

Virginia (Colony) Laws & Statutes

A
COLLECTION
OF ALL THE
ACTS of ASSEMBLY,

Now in Force, in the Colony of
VIRGINIA.

+ WITH THE
TITLES of Such as are Expir'd, or Repeal'd.
And NOTES in the Margin, shewing how,
and at what Time, they were Repeal'd.

Examin'd with the Records,
By a COMMITTEE appointed for that Purpose.

Who have added
Many useful *Marginal Notes*, and *References*: And an exact
TABLE.

*Publsh'd, pursuant to an Order of the GENERAL ASSEMBLY, held at
WILLIAMSBURG, in the Year M, DCC, XXVII.*



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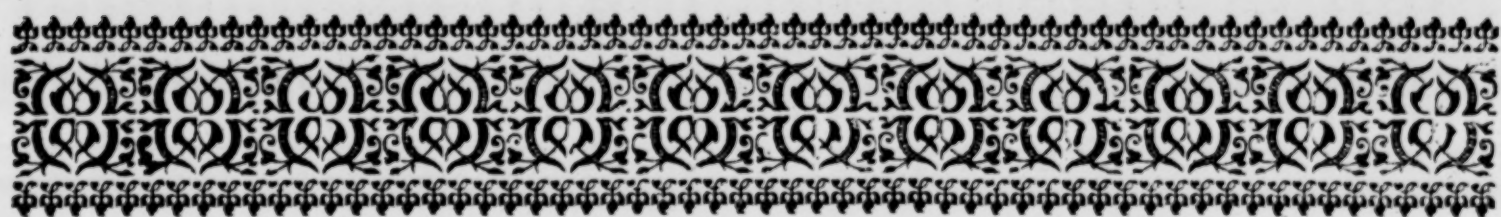
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With many others, not yet come to Hand.



A N N O R E G N I
C A R O L I I I,

Regis *Angliæ, Scotiæ, Franciæ, & Hiberniæ,*
Decimo Tertio.

At a G R A N D A S S E M B L Y, summoned to
be held at *James City*, the Twenty Third
Day of *March*, in the Twelfth Year of the
Reign of our Sovereign Lord *CHARLES*
the Second, by the Grace of G O D, of *Eng-*
land, Scotland, France and Ireland, King, De-
fender of the Faith, &c. and in the Year of
our Lord 1660: And from thence continued
by Prorogation, to the Twenty Third Day
of *March* 1661.

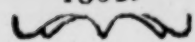
Sir WILLIAM
BERKLEY,
Governor.

W H E R E A S the late unhappy Distractions, caused
frequent Change in the Government of this Country, and
those produced so many Alterations in the Laws, that the
People knew not well what to obey, nor the Judges what
to punish; by which Means, Injustice was hardly to be
avoided, and the just Freedom of the People, by the Un-
certainty and Licentiousness of the Laws, hardly to be
preserved: This Assembly taking the same into their serious Consideration,
and gravely weighing the Obligations they are under, to discharge to G O D, the
King, and the Country, have, by Settling the Laws, diligently endeavoured
to prevent the like Inconveniencies, by causing the whole Body of the Laws
to be reviewed, all unnecessary Acts, and chiefly such as might keep in Me-

Preamble,
reciting the
Changes of
Government,
during the
late Usurpa-
tion.

A. D. 1661,

1662.



mory our forced Deviation from His Majesties Obedience, to be repealed and expunged; and Those that are in Force, to be brought into one Volume: And, lest any Prejudice might arise, by the Ignorance of the Times from whence those Acts were in Force, they have added the Dates of every Act, to the End that Courts might rightly administer Justice, and give Sentence according to Law, for any Thing happening at any Time since any Law was in Force: And have also endeavoured, in all Things, as near as the Capacity and Constitution of this Country would admit, to adhere to those excellent and often refined Laws of *England*, to which we profess and acknowledge all Reverence and Obedience; and that the Laws, made by us, are intended by us but as brief Memorials of that, which the Capacity of our Courts is utterly unable to collect out of its vast Volumes, though sometimes perhaps, for the Difference of our and their Condition, varying in small Things; but far from the Presumption of Contradicting any Thing therein contained. And, because it is impossible to honour the King as we should, unless we serve and fear God as we ought, and that they might shew their equal Care, they have set down certain Rules to be observed in the Government of the Church, until God shall please to turn His Majesty's pious Thoughts towards us, and provide a better Supply of Ministers among us.

All Laws continued, or made, by this Assembly, to be hereafter reputed the Laws of this Colony.

And all others not herein mentioned, are declared Repealed.

Memorandum
The Acts here referred to, include CXXXVIII Chapters.

BE it therefore Enacted, by the Governor, Council, and Burgeses, of this Grand Assembly, That all the following Laws, continued or made by this Assembly, shall be hereafter reputed the Laws of this Country, by which all Courts of Judicature are to proceed in giving of Sentence, and to which all Persons are strictly required to yield all due Obedience: And that all other Acts, not in this Collection mentioned, be, to all Intents and Purposes, utterly Abrogated and Repealed; unless Suit be commenced for any thing done in the Time, when a Law, now Repealed, was in Force; in which Case, the producing that Law shall excuse any Person for doing any Thing according to the Tenor thereof.

CHAP. I.

Church to be built, or Chapel of Ease.

A Church to be erected in every Parish.

Or a Chapel of Ease.

BE it Enacted, for the Advancement of God's Glory, and the more decent Celebration of his Divine Ordinances, There be a Church decently built, in each Parish of the Country; unless any Parish, as now settled, by reason of the Fewness or Poverty of the Inhabitants, be incapable of sustaining so great a Charge: In which Case, *It is Enacted,* That such Parishes shall be joined to the next great Parish of the County; and that a Chapel of Ease be built in such Place, at the particular Charge of that Place.

CHAP. II.

Vestries appointed.

Duty of Vestries.

I. THAT for the making and proportioning the Levies and Assessments for Building and Repairing the Churches and Chapels, Provision for the Poor, Maintenance of the Minister, and such other necessary Uses, and for the more orderly managing all Parochial Affairs,

II. BE

II. *BE it Enacted*, That Twelve of the most able Men of each Parish, be, by the major Part of the said Parish, chosen to be a Vestry; out of which Number, the Minister and Vestry to make Choice of Two Churchwardens yearly; as also in case of the Death of any Vestry-Man, or his Departure out of the Parish, That the said Minister and Vestry make Choice of another, to supply his Room.

III. *AND be it further Enacted*, That none shall be admitted to be of the Vestry, that doth not take the (a) Oaths of Allegiance and Supremacy to His Majesty, and subscribe to be conformable to the Doctrine and Discipline of the Church of *England*.

C H A P. III.

Glebes to be laid out. R E P. (b)

C H A P. IV.

Ministers to be inducted. 1642.

TH A T for the Preservation of Purity and Unity of Doctrine and Discipline in the Church, and the right Administration of the Sacraments, no Minister be admitted to officiate in this Country, but such as shall produce to the Governor a Testimonial, that he hath received his Ordination from some Bishop in *England*; and shall then subscribe to be conformable to the Orders and Constitutions of the Church of *England*, and the Laws there established: Upon which, the Governor is hereby requested to induct the said Minister into any Parish that shall make Presentation of him. And if any other Person pretending himself a Minister, shall, contrary to this Act, presume to teach or preach publicly or privately, the Governor and Council are hereby desired and impowered to suspend and silence the Person so offending; and upon his obstinate Persistence, to compel him to depart the Country, with the first Convenience, as it hath been formerly provided, by the Seventy Seventh Act, made at *James City*, the Second of *March*, 1642.

A. D. 1661,
1662.

12 Men in each Parish to be chosen a Vestry.

Minister and Vestry to elect 2 Churchwardens

yearly; and to fill up Vacancies in the Vestry.

Oaths of Allegiance and Supremacy shall be taken by each Vestry-Man, &c.

(a) Repeal'd by the Statute 1 W. & M. c.

1. and other Oaths substituted in the Place of them.

(b) Repeal'd, Chap. 113

1696. and Chap. 6.

1727.

Ministers, how to be qualified.

To be inducted by the Governor.

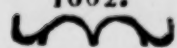
Any other Persons pretending to teach or preach, to be suspended, and compelled to depart the Country.

C H A P. V.

Ministers to provide Readers. 1661.

TH A T every Parish not having a Minister to officiate every *Sunday*, do make Choice of a grave and sober Person, of good Life and Conversation, to read divine Service, every intervening *Sunday*, at the Parish Church, when the Minister preacheth at any other Place.

Readers, to be chosen by the Parish.

A. D. 1661,
1662.

C H A P. VI.

Liturgy to be read.

Canons of
the Church of
England to be
observed, and
Liturgy to
be read every
Sunday.

THAT the Canons set down in the Liturgy of the Church of *England*, for celebrating divine Service and Administration of the Sacraments, be duly observed and kept; and that the whole Liturgy, according to the said Injunctions, be, by the Minister or Reader, at Church and Chapel, every *Sunday* thoroughly read.

C H A P. VII.

Church Catechism.

Catechism,
no other than
that of the
Church, to be
taught or ex-
pounded.
No Reader
to expound
any Cate-
chism, or
Scripture.

(a) Must be
intended a
Lay Reader.

THAT neither Minister nor Reader teach any other Catechism, than that by the Canons appointed, and inserted in the Book of Common-Prayer; and that the Minister expound no other than that, that our Fundamentals, at least, may be well laid; and that no Reader, (a) upon Presumption of his own Abilities, do attempt the expounding that, or any other Catechism, or the Scriptures.

C H A P. VIII.

Ministers to preach Weekly.

Ministers to
preach eve-
ry Sunday,
and adminis-
ter the Sacra-
ment twice in
a Year.

THAT the Minister of every Parish preach constantly every *Sunday*, viz. one *Sunday* in a Month at each Chapel of Ease in his Parish, if there be any, and the other in his Parish Church; and that twice in a Year, at least, he administer the Sacrament of the Lord's Supper there.

Repealed,
Chap. I. 1696.
and That and
all Acts rela-
ting to the
Punishment
of Vice and
Immorality,
repealed, by
Ch. 30. 1705.

C H A P. IX.

Sundays not to be profaned. R E P.

C H A P. X.

The Thirtieth of January to be kept a Fast.

Preamble.

WH E R E A S our late Surrender and Submission to that execrable Power that so bloodily massacred the late King *Charles* the First, of ever-blessed Memory, hath made us, by acknowledging them, guilty of their Crimes: To shew our serious and hearty Repentance and Detestation of that barbarous Act,

B E

BE it Enacted, That the Thirtieth of *January*, the Day the said King was Beheaded, be annually solemnized with Fasting and Prayers, that our Sorrows may expiate our Crime, and our Tears wash away our Guilt.

A. D. 1661,
1662.

Thirtieth
of *January* to
be an annual
Fast.

C H A P. XI.

The Twenty Ninth of May to be kept Holy.

SINCE God, of his Mercy, hath been pleased to restore our late distracted Kingdoms to Peace and Unity, and his late distressed Majesty to the Throne of his Roial Ancestors,

Preamble:

Be it Enacted, That in Testimony of our Thankfulness and Joy, the Twenty Ninth of *May*, the Day of His Majesty's Birth and happy Restoration, be annually celebrated as an Holy Day.

May 29, an
annual Holy
Day.

C H A P. XII.

None to be married but by Ministers, nor by them but by Licence or publishing the Banns. R E P.

Repealed,
Chap. 10.
1696. And
C. 48. 1705,
repeals that
and all other
Acts on this
Subject.

C H A P. XIII.

Churchwardens to make Presentments. R E P.

Repealed,
Ch. 1. 1696.
Vid. Chap. 30.
1705. and
Ch. 2. 1730.

C H A P. XIV.

Burial of Servants, or Others, privately, prohibited.

WHEREAS, the private Burial of Servants and Others, gives Occasion of much Scandal against divers Persons, and sometimes not undeservedly, of being guilty of their Deaths; from which, if the Persons suspected be innocent, there can be no Vindication, nor, if guilty, no Punishment, by Reason they are for the most Part buried without the Knowledge or View of any others, than such of the Family, as by Nearness of Relation, as being Husband, Wife, or Child, are unwilling, or as Servants, are fearful to make Discovery, if Murder were committed. For Remedy whereof, as also for taking away that barbarous Custom of exposing the Corps of the Dead, (by making their Graves in common and unfenced Places) to the Prey of Hogs, and other Vermin,

Preamble:

BE

A. D. 1661,
1662.

Burying Places to be appointed in every Parish.

And Neighbours to attend; and in Case of Suspicion, view the Corps.

None to be buried in any other Place, except by their own Appointment.

BE it Enacted, That there shall be in every Parish, Three, or Four, or more Places appointed, according to the Greatness or Littleness of the same, to be set a-part and fenced in, for Places of public Burial, for that Precinct: And further, that before the Corps be buried, there be, at least, Three or Four of the Neighbours called, who may, in Case of Suspicion, view the Corps; and if none, yet, according to the decent Custom of all Christendom, they may accompany it to the Grave.

AND be it further Enacted, That no Persons, whether Free or Servants, shall be buried in any other Place than those so appointed, unless such, who, by their own Appointment in their Life-time, have signified their Desire of being interred in any particular Place elsewhere.

C H A P. XV.

Churchwardens to keep the Church in Repair, and provide Ornaments.

Church Wardens. Their Power and Duty.

(a) Otherwise provided, by Ch. 11. 1696. and again, Ch. 6. 1727.

(b) The Legislature supposed all the Acts relating to the Church and Religion, to be one Act.

AND it is further Enacted, That the said Churchwardens take care, and be impowered, during their Churchwardenships, to keep the Church in Repair, provide Books and decent Ornaments, *viz.* a great Bible, Two Common-Prayer Books, a Communion Cloth and Napkins, a Pulpit and Cushion, this present Year; and after, annually, something towards Communion Plate, Pulpit Cloth, and Bell, as the Ability of the Parish will permit. And (a) that they the said Churchwardens do faithfully collect the Ministers Dues, cause them to be brought to convenient Places, and honestly pay them. And that of all their Disbursements and Receipts, they give a true Account to the Vestry, when by them required, who are impowered, by a former Branch of this Act, (b) to levy the same upon the Parish, and by this, to give the Churchwardens a sufficient Discharge.

C H A P. XVI.

Repealed, Ch. 11. 1713.

Registers to be kept by the Ministers or Readers. R E P.

C H A P. XVII.

Repealed, Ch. 48. 1705.

Licences for Marriage, how to issue. R E P.

C H A P. XVIII.

Never put in Execution, and obsolete.

Provision for a College.

C H A P.

C H A P. XIX.

Courts. R E P.

A. D. 1661.

1662.

Repealed,
Chap. 19.
1705.

C H A P. XX.

Actions to be proportioned. R E P.

Ibid.

C H A P. XXI.

*Courts to sit from Eight to Eleven of the Clock in the Forenoon,
from One to Three Afternoon.* R E P.

Ibid.

C H A P. XXII.

*The Plaintiff to file his Declaration Three Days before the Day
of Hearing.* R E P.

Ibid.

C H A P. XXIII.

*Adjournment to the last Two Days, for Determination of Refe-
rences, by Advifare Volumus, or Actions erected in Court Time.*
R E P.

Ibid.

C H A P. XXIV.

Criminal Causes to be tried at the General Courts. R E P.

Repealed,
Ch. 19. 1705.

C H A P. XXV.

The Governor and Two of the Council, to go the Circuit. R E P.

Repealed,
Ch. 22. 1662.

C H A P.

A. D. 1661,
1662.

C H A P. XXVI.

Appeals, how to be made. R E P.

Repealed,
Ch. 5. 1696.
And Ch. 19.
1705, repeals
that and all
other Laws
upon this
Subject.

C H A P. XXVII.

Repealed,
Ch. 19. 1705.
and Chap. 11.
1710.

*Amerciaments in the General Court Fifty Pounds of Tobacco per
Cause, in County Courts Thirty per Cause.* R E P.

C H A P. XXVIII.

Repealed,
Ch. 19. 1705.

Subpœnas to be issued by the Clerk. R E P.

C H A P. XXIX.

Ibid.

Dedimus Potestatem, how to issue. R E P.

C H A P. XXX.

Repealed,
Ch. 6. 1696.
And Ch. 19.
1705, repeals
that and all
other Acts
about this
Matter.

Penalties for Non-appearance of Evidence. R E P.

C H A P. XXXI.

Repealed,
Ch. 11. 1710.

County Courts appointed. R E P.

C H A P. XXXII.

Ibid.

No Arrest without Entry of Action. R E P.

C H A P. XXXIII.

Repealed,
Ch. 19. 1705.
and Chap. 11.
1710.

The Defendant to put in his Answer. R E P.

C H A P.

A. D. 1661^s
1662.

C H A P. XXXIV.

Ferm of Entring the Court. R E P.

Repealed,
Ch. 19. 1705.
and Chap. 11.
1710.

C H A P. XXXV.

Courts not to take Cognizance of any Thing under Two Hundred Pounds of Tobacco. R E P.

Ibid, and
re-enacted.

C H A P. XXXVI.

Private Courts prohibited. R E P.

Ibid,

C H A P. XXXVII.

Trials by Juries. R E P.

Repealed,
and provided
for, Chap.
32. 1705.

C H A P. XXXVIII.

Grand Juries to present Offenders. R E P.

Repealed ib.
and provided
for.

C H A P. XXXIX.

Pillories to be erected at each Court. R E P.

Repealed;
Ch. 10. 1705.

C H A P. XL.

Fines to be disposed of by the Assembly.

Obsolete,

C H A P. XLI.

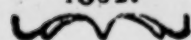
Supersedeas, by whom, and how grantable. R E P.

B

C H A P.

Provided for,
Ch. 3. 1727.

A. D. 1661,
1662.



C H A P. XLII.

Repealed,
Ch. 5. 1684.

Prisons to be built in each County. R E P.

C H A P. XLIII.

Ibid. *Dwellers within the Rules of any Prison, not to have any Benefit thereof.* R E P.

C H A P. XLIV.

Repealed,
Ch. 3. 1705.

Sheriff to be chosen in the Commission. R E P.

C H A P. XLV.

Ibid.

Sheriffs not making Return. R E P.

C H A P. XLVI.

Ibid.
Vid. Chap. 3.
1727.

Sheriffs to take Bail. R E P.

C H A P. XLVII.

Ibid.

Non est inventus. R E P.

C H A P. XLVIII.

Repealed,
Ch. 37. 1705.
Vid. Chap. 3.
1726.

Apprisement of Goods. R E P.

C H A P.

A. D. 1661,
1662.

C H A P. XLIX.

No Commissioner, Clerk, or Sheriff, to be Attornies in the Court where they officiate.

I. **B**E it Enacted, That neither Sheriff, Commissioner, Under-Sheriff, or Clerk of any Court, within this Colony, shall be permitted to plead as an Attorney in any Persons Behalf, in the Court wherein he officiates; and the said Commissioner, Sheriff, Under-Sheriff, or Clerk, offending herein, shall, for every Default, be fined One Thousand Pounds of Tobacco, to the Use of the County.

Sheriff, Commissioner, Under-Sheriff, or Clerk of Court, not to be Attornies in their respective Courts. Penalty 1000^l. Tobacco.

II. *PROVIDED* always, That if any poor Person, not able to plead his own Cause, shall request the Court to assign him one of the Commissioners to plead for him, it shall be lawful for the Court to grant it, and the Commissioner to plead accordingly; but the Counsellor, Commissioner, &c. so pleading the poor Man's Cause, not to give Judgment therein.

Except appointed by the Court, at the Request of the Poor.

III. *PROVIDED* also, That any Commissioner, Sheriff, Under-Sheriff, or Clerk, acting as General-Attorney for any Persons absent, out of the Country, or County, and negotiating their Affairs, and so liable to be sued for their Employers; (a) such Persons, notwithstanding this Act, shall have Liberty also to plead and prosecute in any Cause that shall any way concern their said Employers.

Proviso, General-Attornies for Persons out of the Country, or County, excepted out of this Act.

(a) It would seem by this, that an Attorney may be sued for the Principal.

C H A P. L.

Publication of Writs for Election of Burgeses. R E P.

Repealed,
Ch. 2. 1705.

C H A P. LI.

Public Levies to be first paid. R E P.

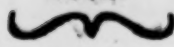
Repealed,
Ch. 9. 1705.

C H A P. LII.

The Sheriff, upon the Instance of the Treasurer, or his Deputy, to collect the Quit-Rents.

AND be it further Enacted, That the Sheriff, being His Majesty's immediate Officer, shall, upon the Instance of His Majesty's Treasurer, or his Deputy here, be compelled to receive all such Quit-Rents, as the said Treasurer, or his Deputy, shall give him order to receive in his County; and that the said Quit-Rents be paid, as the Levies, in the direct Specie of

Sheriff to collect the Quit-Rents, if required; and to pay the same in the Specie received.

A. D. 1661,
1662.


Tobacco, or Money; and that no particular Fees or Debts be preferred before them, under like Penalty, as for the Paiment of other Debts, before the Levies.

C H A P. LIII.

Repealed,
Ch. 7. 1705.

List of Tithables, how to be taken. R E P.

C H A P. LIV.

Repealed,
Ch. 7. 1705.

What Persons are Tithable. R E P.

C H A P. LV.

Repealed,
Ch. 9. 1676.

Counsellors and Ten Persons to be exempted out of the Levy.
R E P.

C H A P. LVI.

Repealed,
Ch. 5. 1673.

Artificers not planting Tobacco, freed from Paiment of the Levy.
R E P.

C H A P. LVII.

Counsellors to raise a Levy. E X P.

C H A P. LVIII.

Repealed,
Ch. 3. 1705,
& re-enacted.

No Arrests to be made on the Sabbath Days. R E P.

C H A P. LIX.

Repealed,
Ch. 14. 1676.

Reward for killing Wolves. R E P.

C H A P.

A. D. 1661,
1662.

C H A P. LX.

Commissioners to take Security of Sheriffs. R E P.

Repealed,
Ch. 3. 1705.

C H A P. LXI.

Judgment before Commissioners. (a)

(a) Justices
of the Peace
so called at
this Time.

I. **B**E it Enacted, That the voluntary Confession and Acknowledgement of a Debt, by the Debtor, under his Hand and Seal, before Two Commissioners, of which one of the *Quorum*, shall be accounted in Law, in the Nature of a Judgment, the said Commissioners attesting the same under their Hands, and so certifying it to the Clerk of the County Court, to enter it upon Record: Upon which Writing, so acknowledged, attested, and recorded, Execution shall issue, in case the Debt be not paid, as if Judgment had been granted for the same in open Court.

Acknowledgment of a Debt before Two Justices, (*Quorum unus*) equal to a Judgment.

II. *PROVIDED*, That if no Execution issue within a Year after such Acknowledgement, then a *Scire Facias* shall issue, before any Writ of Execution shall issue forth.

If no Execution within the Year, then a *Scire Facias*.

C H A P. LXII.

Persons removing into the Bay. (b)

(b) Not put in Execution for many Years.

I. **F**OR avoiding of Creditors Charges and Troubles, in recovering their Debts, by reason of divers Persons removing themselves from the Places where they contracted their Debts, into remote Counties:

II. *BE it Enacted*, That no Person whatsoever, shall remove out of the County where he dwells, unless he first set up his Name at the Door of the Parish-Church or Chapel where he dwells, Three *Sundays* together; and in the same, express his Intent of leaving the County, and certify the Place he is about to remove to, and take Certificate thereof from the Minister or Reader of the said Church or Chapel, and the Churchwardens of the Parish, to the Clerk of the County Court, who shall thereupon grant him a Licence to depart.

No Person to remove out of his County, without giving public Notice.

III. *PROVIDED always*, That (c) if the said Persons, so removing, pay not his Debts contracted before his removing, according to the Tenor of the Specialities by which they are due, it shall be lawful, for any of his Creditors, by a Warrant from the Secretary's Office, to bring the Debtor Personally before the Governor, or any of the Council, for what Value soever the Debt be of, and there put in sufficient Security for Performance of his Obligation, according to the Tenor thereof, in case the Day of Paiment be not past, (any Restriction in any other Act to the contrary notwithstanding,) and then to take out Execution against his Body, or Estate, for Satisfaction of the said Debt.

(c) If any Person in Debt, remove himself, he may be taken up by Warrant from the Secretary's Office, and brought before the Governor or a Counsellor, and obliged to give Security, if the Day of Paiment be not past.

IV. *AND*

A. D. 1661,

1662.

No Cattle
to be remo-
ved without
Notice.

IV. *AND be it further Enacted*, That if any Person or Persons shall, before or after Certificate obtained, as aforesaid, remove or transport any Cattle out of the County he dwelled in, without Notice given to Four of the nearest Inhabitants, (who are hereby required to take especial Notice of the Ear-Mark, and Colour of the Cattle to be removed, and make a List of them and their Marks, and carry the same, subscribed by the said Viewers, to the Clerk of the County Court, to be Recorded,) he shall, upon lawful Conviction, forfeit, for every Beast transported, contrary to the Tenor of this Act, One Thousand Pounds of Tobacco; one Half to the Public, and the other Half to him that shall make the Complaint against the Party so offending.

Any Person
removing a
Debtor, liable
to pay his
Debts.

V. *AND* if any Merchant, Mariner, or any other Person whatsoever, shall transport any Person or Persons out of his County, without Certificate, as aforesaid, the said Merchant, Mariner, or other Person so offending, shall be liable to the Paiment of all the Debts and Engagements of the Party transported, being due at the Time of his Removal.

C H A P. LXIII.

English *Weights and Measures*.

I. **W**HEREAS daily Experience sheweth, that much Fraud and Deceit is practised in this Colony, by false Weights and Measures. For Prevention thereof,

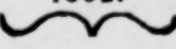
Buying and
selling by o-
ther Weights
and Measures,
than the *Eng-
lish* Standard,
prohibited.

II. *BE it Enacted*, That no Inhabitant, or Trader hither, shall buy or sell, or otherwise make use of, in Trading, any other Weights or Measures than are used and made, according to the Statute of 12 *Henry VII.* Cap. v. in that Case provided.

Several
Weights and
Measures to
be provided
by the Justi-
ces of every
County.

III. *AND* for Discovery of Abuses, *Be it further Enacted*, That the Commissioners of every County, do provide, at the Charge of the County, sealed Weights, of Half Hundreds, Quarters, Half Quarters, Seven Pounds, Four Pounds, Two Pounds, One Pound; Measures of Ell, and Yard; of Bushel, Half Bushel, Peck, and Gallon, of *Winchester* Measure; Gallon, Pottle, Quart, Pint, of Wine Measure, out of *England*; and that the said Weights and Measures be kept by the First of every Commission at his House, and with them a Burnt Mark of and a Stamp for Leaden Weights, and Pewter Pots; whither all Persons, not using Weights or Measures brought out of *England*, and sealed there, shall bring all their Barrels, (which are to contain Five Bushels,) and other Measures, to be sealed, and their Stilliards to be tried; and all Persons, selling by other Weights and Measures, not sealed and tried, as aforesaid, shall forfeit One Thousand Pounds of Tobacco; one Half to the Public, the other Half to the Party that shall make his Complaint. And if the Commissioners shall make Default of producing such Weights, Measures, Scales, and Stamps, as by this Act they are enjoined, by the First of *December*, 1663, the said Commissioners shall be fined Five Thousand Pounds of Tobacco, to the Use of the Public.

Penalty for
not providing
the same be-
fore 1 *Decem-
ber*, 1663. So
the Penalty is
expired.

A. D. 1661,
1662.


C H A P. LXIV.

County Courts to grant Probates and Administrations. R E P.Repealed,
Ch. 2. 1711.

C H A P. LXV.

Administrations, to whom to be granted. R E P.Repealed,
Ch. 2. 1711.

C H A P. LXVI.

Concerning Orphans. R E P.Repealed,
Ch. 33. 1705.

C H A P. LXVII.

Orphans Land not to be alien'd.

BE it also Enacted, for the future Benefit of all Orphans, That the several County Courts do take into their serious Consideration and Care, that the Lands in their County, belonging to any Orphan, be not alien'd, sold, or taken up as deserted Land, (a) by any Persons, during the Minority of the Orphan: And that the Guards or Overseers of any Orphan, do not let, fet, or farm out any Land belonging to any Orphan, for longer Term than the Orphan be of Age; and that an especial Care be had, that the Tenant shall improve the Plantation, by planting an Orchard, and building a good House; and that the Tenant be bound to maintain a good Fence about the Orchard, and keep the House in sufficient Repair, and leave it tenantable at his Surrender; and that Provision be made in the Lease, for preventing all Waste of Timber, or employing it to any other Use than the Use of the Plantation.

(a) Vid.
Ch. 3. 1712.

C H A P. LXVIII.

*Grants of Land.*The Subject
Matter of this
Act regulated
by the King's
Instructions;
and the Or-
ders of Go-
vernment
here; there-
fore obsolete.

C H A P. LXIX.

Deserted Lands. R E P.Repealed,
Ch. 13. 1710,
& re-enacted.

C H A P.

A. D. 1661,
1662.

C H A P. LXX.

Seating upon others Dividents.

Improve-
ments to be
valued by 12
Men, and paid
by the Owner
of the Land
to the Seater.

I. **W**HEREAS divers Suits have risen about Seating ignorantly upon other Mens Lands. For deciding the same,

If the Owner
refuses, then
the Land to
be valued, &
paid for, by
the Seater, to
the Owner.

II. *BE it Enacted*, That if any Person whatsoever (a) hath built or seated upon any Lands supposed his own, but proving, by a just Survey, to belong to another, the Charge of such Building, Seating, or Clearing, shall, by Twelve Men, upon their Oaths, be indifferently valued; and the Consideration, by the said Twelve Men so adjudged, shall be paid by the Owner of the Land, to the first Seater that was at the Charge: But if that shall amount to more than the said Owner is willing to disburse, then the said Twelve Men shall make a Valuation of what the Land was worth, before the Seating thereof; which the Seater shall accordingly pay to the true Owner.

Provido, no
Allowance af-
ter Warning
given.

III. *PROVIDED always*, That no Consideration shall be allowed for Building or Clearing, to any Person that shall obstinately persist, after lawful Warning given him to desist.

(a) *Quare*, whether this Act can be extended to any Seating made after this Act.

C H A P. LXXI.

Repealed,
Ch. 13. 1710.
& re-enacted.

Not to shoot or range upon other Mens Lands. R E P.

C H A P. LXXII.

Ibid.

Lands Five Years in Possession. R E P.

C H A P. LXXIII.

Ibid.
Adjudged
by the Gene-
ral Court,
between Perry
and Gordon,
April General
Court, 1720.

Against fraudulent Conveyances. R E P.

C H A P. LXXIV.

Repealed by
Proclamation
15 December,
1686.

Quit-Rents, how to be paid. R E P.

C H A P. LXXV.

Repealed,
Ch. 6. 1666.
And Ch. 22.
1705, repeals
both.

Surveyors of Land. R E P.

C H A P.

A. D. 1661.
1662.

C H A P. LXXVI.

Land to be plainly marked, and bounded. R E P.

Repealed,
Ch. 22. 1705.

C H A P. LXXVII.

What Fences shall be sufficient. R E P.

Repealed,
Ch. 15. 1705.

C H A P. LXXVIII.

Bounds of Lands, to be every Four Years renewed, by View of Neighbourhood. R E P.

Repealed,
Ch. 13. 1710,
& re-enacted.

C H A P. LXXIX.

Surveyors of Highways. R E P.

Repealed,
Ch. 39. 1705,
& re-enacted.

C H A P. LXXX.

Tobacco, when to be demanded. R E P.

Repealed,
Ch. 46. 1705.

C H A P. LXXXI.

Judgments and Specialties, how long pleadable. R E P.

Repealed,
Ch. 7. 1696,
& re-enacted.
And the Act
of 1696, re-
pealed; and
re-enacted
Ch. 34. 1705,
which was re-
pealed by Pro-
clamation, 15
April, 1730.

C H A P. LXXXII.

Attornies for Business out of England. R E P.

Repealed,
Ch. 36. 1705,
which is re-
pealed and a-
mended,
Ch. 3. 1727.

C H A P. LXXXIII.

Burgesses. R E P.

Repealed,
Ch. 2. 1705.

A. D. 1661,
1662.

Chap. 84,
85, 86, & 87,
Repealed,
Ch. 2. 1705.

Chap. 84. *Burgeses ascertain'd.*

85. *Burgeses Charges ascertain'd.*

86. *Burgeses to appear upon the Day.*

87. *Burgeses not to be arrested.*

Unnecessary.

88. *No Order to contradict an Act.*

Unnecessary.

89. *Assemblies to enquire after the Breach of Laws.*

C H A P. XC.

Repealed,
Ch. 53. 1705.

Public Letters, how to be convey'd. R E P.

C H A P. XCI.

Divulgers of false News.

I. **W**HEREAS many idle and busy-headed People, do forge and divulge false Rumors and Reports, to the great Disturbance of the Peace of His Majesty's liege People in this Colony,

Divulgers of
false Reports,
to be fined,
not exceeding
2000 lb. of
Tobacco;
and bound to
good Beha-
viour.

II. *BE it Enacted*, That what Person or Persons soever, shall forge or divulge any such false Reports, tending to the Trouble of the Country, he shall be, by the next Justice of Peace, sent for, and bound over to the next County Court; where, if he produce not his Author, he shall be fined Two Thousand Pounds of Tobacco, (or less, if the Court think fit to lessen it;) and besides, give Bond for his Behaviour, if it appear to the Court that he did maliciously publish or invent it.

Ch. 92, 93,
94, 95, 96, re-
pealed, and
re-enacted,
in Substance,
Ch. 34. 1705.
which was re-
peal'd by Pro-
clamation, as
before.

And Ch. 94,
re-enacted,
in Substance,
Ch. 5. 1730.

Chap. 92. *Chirurgeons Accounts regulated.*

93. *Chirurgeons Accounts pleadable after the Decease of the Party.*

94. *Discounts to be made in Courts.*

95. *Accounts against dead Mens Estates.*

96. *Ballancing Accounts of deceased Persons.*

C H A P.

A. D. 1661,
1662.

C H A P. XCVII.

Ordinary keepers, how to sell. R E P.

Repealed;
Ch. 10. 1676.

C H A P. XCVIII.

Servants, how long to serve. R E P.

Repealed,
Ch. 49. 1705.

C H A P. XCIX.

Against secret Marriage. R E P.

Repealed.
Ch. 48. 1705.

C H A P. C.

Against Fornication. R E P.

Repealed,
Ch. 1. 1696.
And That &
all other Acts
relating to
Vice and Im-
morality,
Repealed,
Ch. 30. 1705.

Chap. 101. *Hired Servants.*

102. *Runaways.*

103. *Cruelty of Masters prohibited.*

104. *Against unruly Servants.*

105. *Against trading with Servants.*

106. *No Tobacco to be planted after the Tenth of July.*

107. *No Seconds or Slips.*

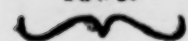
Chap. 101,
102, 103, 104,
and 105,
Repealed,
Ch. 49. 1705.

Ch. 106, 107,
Repealed,
Ch. 46. 1705.

C H A P. CVIII.

Improvement of Staple Commodities. E X P.

A. D. 1661,
1662.



Repealed,
Ch. 15. 1666.

C H A P. CIX.

Act for Mulberry Trees R E P.

Ch. 110, 111,
Repealed,
ut Supra.

Chap. 110. *Encouragement to build Vessels.*

111. *Tankouses to be erected.*

C H A P. CXII.

Two Acres of Corn for each Tithable.

Two Acres of
Corn for each
Tithable, to
be tenced.
Penalty 500 lb
of Tobacco,
for every Acre
neglected.

I. **B**E it hereby Enacted, That all Persons within this Colony, shall plant or tend, for every Tithable Person tending a Crop in their Family, Two Acres of Corn, or Pulse, under the Penalty of Five Hundred Pounds of Tobacco, for every Acre neglected as aforesaid; to be paid by the Delinquent, and to be levied by the Sheriff, for the Counties Use; and the Grand Jury, in their several Limits, to look strictly after the Breach of this Act.

Encourage-
ment to sow
Wheat.

II. AND for Encouragement for Men to sow *English* Wheat, which may be a Staple Commodity to vend out of the Country,

One Acre of
Wheat, in lieu
of two Acres
of Corn.

III. *IT is further Enacted*, That the sowing of one Acre of Wheat, shall excuse the planting of the Two Acres of *Indian* Corn, or other Corn, or Pulse, as this Act enjoins.

Repealed,
Ch. 7. 1677.
Which was
Repealed the
8th of June,
1680, by Pro-
clamation;
and all Acts
upon this Sub-
ject, Repeal'd
Ch. 13, 1705.

C H A P. CXIII.

Stray Horses, &c. R E P.

C H A P. CXIV.

Repealed,
Ch. 8. 1680.

Free Trade. R E P.

C H A P. CXV.

Repealed,
Ch. 2. 1671.

Exportation of Hides. R E P.

C H A P.

A. D. 1661,
1662.

C H A P. CXVI.

Exportation of Money.

BE it hereby Enacted, by this Grand Assembly, That no false Money shall pass for Current in this Country; but Pieces of Eight, that are good, and of Silver, shall pass for Five Shillings current Money, upon Penalty of Twenty Shillings, to be paid by the Refusers of them: And that none shall export Money out of this Country, above the Sum of Forty Shillings; if any shall exceed the same Sum, to forfeit double thereof. (a)

So much of this Act, as relates to the Rate of Money, is Repeal'd, Chap. 10, 1710.

(a) Quere, Whether this can be construed to extend to more than double the Sum of 40 s.

C H A P. CXVII.

Size of Virginia Hogsheads. R E P.

Repealed,
Ch. 46. 1705.

C H A P. CXVIII.

Against private taking away Boats. R E P.

Repealed,
Ch. 15. 1705.

C H A P. CXIX.

Against Shooting. E X P.

C H A P. CXX.

Supply of Ammunition. E X P.

C H A P. CXXI.

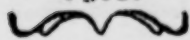
Against exacting Millers. R E P.

Repealed,
Ch. 1. 1671.
And that and all other Acts upon this Subject Repeal'd, and further Provision made, by
Ch. 41. 1705.

C H A P. CXXII.

Against Exportation of English Goods. E X P.

C H A P.

A. D. 1661,
1662.Repealed,
Ch. 6. 1668.

C H A P. CXXIII.

No Mares or Sheep to be exported. R E P.

C H A P. CXXIV.

Repealed,
Ch. 3. 1664.*Against selling of Rum, but in Places appointed. R E P.*

C H A P. CXXV.

Repealed,
Ch. 14. 1705.*Against stealing of Hogs. R E P.*

C H A P. CXXVI.

Obsolete.

Masters of Ships to provide Four Months Provision.

C H A P. CXXVII.

Repealed,
Ch. 12. 1705.*Concerning Passes. R E P.*

C H A P. CXXVIII.

Repealed,
Ch. 3. 1680.*Imposition of Two Shillings per Hogshead. R E P.*

C H A P. CXXIX.

Repealed,
Ch. 5. 1679.*Every Inhabitant in Northumberland and Westmoreland Counties, to give an Account how many Hogsheads of Tobacco they made, and to whom sold. R E P.*

C H A P.

A. D. 1661,
1662.

C H A P. CXXX.

Paiment of Fort Duties in Accomack, &c. R E P.

Repealed,
Ch. 3. 1680.

C H A P. CXXXI.

Ten Shillings per Hogthead. R E P.

Repealed,
Ch. 7. 1669.

C H A P. CXXXII.

Castle Duties to be paid. R E P.

Repealed,
Ch. 3. 1680.

C H A P. CXXXIII.

Ships to come up to James City. R E P.

Repealed,
Ch. 2. 1668.

C H A P. CXXXIV.

Privilege of Virginia Owners.

I. **W** H E R E A S some Doubts have arisen, about the Privilege of *Virginia Owners*, and their Exemption from the Payment of the Duties of Two, and Ten Shillings per Hogthead: Confirmed,
by Chap. 3.
1680.

II. *B E it Enacted and Declared*, That the said Privilege is granted only to the Owners and Adventurers in such Vessels, as solely and wholly belong to the Inhabitants of this Country: And not to such Persons, as are only Partners of Vessels, whose other Partners dwell in other Countries: And the Governor be Judge of such Proprieties, and certify the same to the Collectors.

C H A P. CXXXV.

A Publick Notary appointed. E X P.

C H A P.

A. D. 1661,
1662.Repealed,
Ch. 52. 1705.

C H A P. CXXXVI.

Acts concerning Indians. R E P.

C H A P. CXXXVII.

Obsolete.

Clerks Fees to be paid.

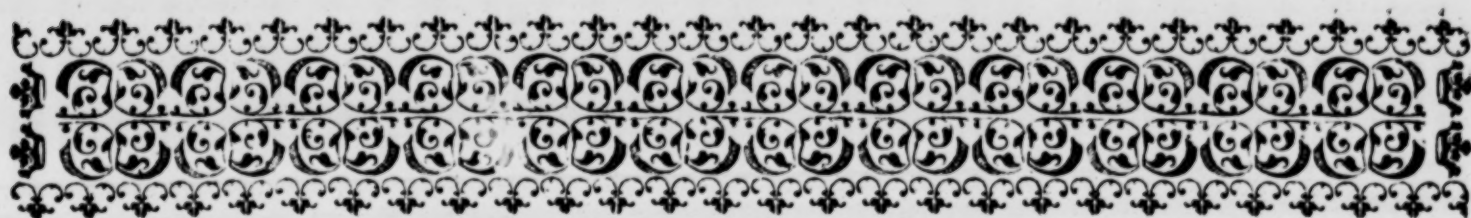
C H A P. CXXXVIII.

Interpreters made for the Country. E X P.

Memorandum. That the 26th Chapter, intituled, Appeals, how to be made, was Repealed by the 66th Instruction to the Lord Effingham, dated the 24th Day of October, 1683, in the 35th Year of King Charles the Second. And the 27th Chapter was Repealed by the 15th Chapter, Anno 1663: Which was not in any of the Copies of the Laws; but was found in the Assembly-Office, after that Sheet was printed off.

All the Acts before mentioned, were passed in the Absence of Sir William Berkley, who was then in England, by Francis Moryton, Esq; Deputy-Governor. Robert Wynn, being Speaker.





At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Twenty-Third of *March*, 1660, to the Twenty-Third of *March*, 1661: And thence to the Second of *December*, 1662, in the Fourteenth Year of the Reign of our Sovereign Lord CHARLES II. by the Grace of GOD, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c.

Sir WILLIAM
BERKELEY,
Governor,

CHAP. I.

An Act concerning Sheriffs making false Returns. REP.

Repealed,
Ch. 3. 1703.

CHAP. II.

An Act concerning Servants, Owners of Goods. REP.

Repealed,
Ch. 49. 1703.

CHAP. III.

An Act against Persons that refuse to have their Children baptized.

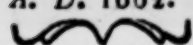
WHEREAS many schismatical Persons, either out of Averseness to the Orthodox established Religion, or out of the new fangled Conceits of their own heretical Inventions, refuse to have their Children baptized,

Preamble.

BE it therefore Enacted, by this present Grand Assembly, and the Authority thereof, That all and every Person and Persons, that in Contempt of the Divine Sacrament of Baptism, shall refuse, when he or they may carry his or their Child or Children to a lawful Minister in that County where he or they dwell, to have them baptized, shall be amerced Two Thousand Pounds of Tobacco; half to the Parish, half to the Informer.

Persons refusing to have their Children baptized, to be amerced 2000 lb. Tobacco.

A. D. 1662.



C H A P. IV.

Repealed, *An Act declaring how Judgments shall be passed, upon a Non est*
Ch. 19. 1705, *inventus returned. R E P.*
and Ch. 11.
1710.

C H A P. V.

An Act for Punishment of scandalous Persons.

Preamble. I. **W**HEREAS many babbling Women slander and scandalize their Neighbours, for which their poor Husbands are often involved in chargeable and vexatious Suits, and cast in great Damages:

In Actions of Slander, occasion'd by the Wife, the Woman to suffer a Ducking for each 500 lb. Tobacco adjudged against the Husband.

II. *BE it therefore Enacted, by the Authority aforesaid, That in Actions of Slander occasioned by the Wife, after Judgment passed for the Damages, the Woman shall be punished by Ducking; and if the Slander be so enormous, as to be adjudged at greater Damages than Five Hundred Pounds of Tobacco, then the Woman to suffer a Ducking for each Five Hundred Pounds of Tobacco adjudged against the Husband, if he refuse to pay the Tobacco.*

C H A P. VI.

Repealed, *An Act concerning Women Servants got with Child by their*
Ch. 49. 1705. *Masters. R E P.*

C H A P. VII.

Repealed, *An Act for compelling Witnesses subpæna'd, to deliver their Evi-*
Ch. 19. 1705. *dence upon Oath. R E P.*

C H A P. VIII.

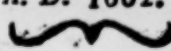
Repealed, *An Act concerning Servants being the reputed Fathers of Bas-*
Ch. 49. 1705. *tard Children. R E P.*

C H A P. IX.

Repealed, *An Act enjoining the recording all Conveyances made in England,*
Ch. 13. 1710. *in the Secretary's Office. R E P.*

C H A P.

A. D. 1662.



C H A P. X.

An Act for Defendants in Appeals to give in Security to answer the Appeal. R E P.

Repealed,
Ch. 19. 1705.
and Ch. 11.
1710.

C H A P. XI.

An Act concerning Servants brought in under Sixteen Years of Age. R E P.

Repealed,
Ch. 49. 1705.

C H A P. XII.

An Act for Mulatto Children, being Bond or Free, to serve according to the Condition of the Mother. R E P.

Repealed,
Ch. 1. 1696,
and Ch. 49.
1705.

C H A P. XIII.

An Act declaring Women Servants Tithable. R E P.

Repealed,
Ch. 7. 1705.

C H A P. XIV.

An Act ascertaining Damages upon Bills protested. R E P.

Repealed,
Ch. 18. 1666.

C H A P. XV.

An Act empowering Counties, or Parishes, to make Bye-Laws. R E P.

Enforced,
Ch. 3. 1679,
and both re-
pealed by
Proclamation
1685.

C H A P. XVI.

An Act for building a Town. E X P.

A. D. 1662.

C H A P. XVII.

Repealed,
Ch. 3. 1680.*An Act for the Imposition of Two Shillings per Hogshead. R E P.*

C H A P. XVIII.

Ibid.

An Act concerning Castle Duties. R E P.

C H A P. XIX.

Repealed,
Ch. 2. 1665.*An Act imposing a Tax upon Horses. R E P.*

C H A P. XX.

Repealed,
Ch. 15. 1666.*An Act for Encouragement to build Vessels. R E P.*

C H A P. XXI.

An Act for Handicraftsmen to pay Levies. E X P.

C H A P. XXII.

An Act Repealing the Act for itinerary Judges.

C H A P. XXIII.

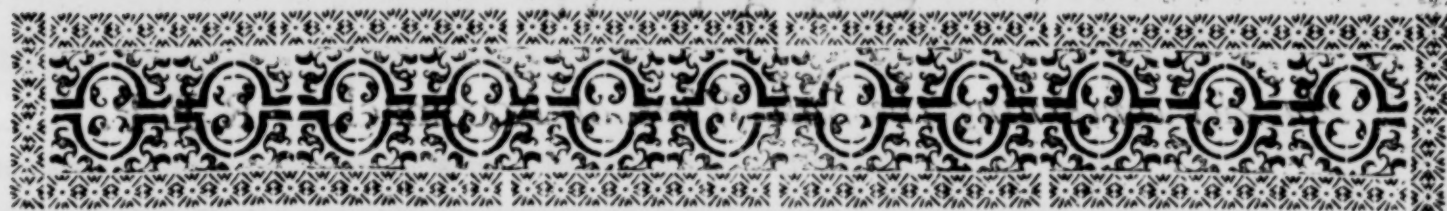
*An Act concerning Hides. R E P.*Repealed,
Ch. 2. 1671.

This Assembly adjourn'd to the Tenth of October, 1663; unless the Governor should think fit to call it sooner.

Sign'd, WILLIAM BERKELEY.

Robert Wynne, *Speaker.*

A. D. 1663.



At a GRAND ASSEMBLY, held at *James City*, by Prorogation, from *December* the Second, 1662, to *September* the Tenth, 1663, and in the Fifteenth Year of the Reign of our Sovereign Lord King CHARLES II.

CHAP. I.

An Act prohibiting the unlawful Assembling of Quakers. REP.

Repealed
by Proclamation,
May 14,
1718.

CHAP. II.

An Act concerning the Bounds of this Colony, on the Eastern Shore. Obsolete.

CHAP. III.

An Act prohibiting the Exportation of Deer Skins, or Calf Skins. REP.

Repealed,
Ch. 2. 1671.

CHAP. IV.

An Act prohibiting the Entertainment of Indians, without Badges. Obsolete.

CHAP. V.

An Act for better Paiment of the Ten Shillings per Hogshead. REP.

Repealed,
Ch. 7. 1665.

CHAP.

A. D. 1663,

C H A P. VI.

Repealed,
Ch. 7. 1666.*An Act concerning the Salt-Work at Accomack.* R E P.

C H A P. VII.

Repealed,
Ch. 7. 1705.*An Act for the exacter Discovery of concealed Tithables.* R E P.

C H A P. VIII.

Repealed,
Ch. 3. 1684,
and Chap. 49,
1705.*An Act concerning the Pursuit of Run-aways.* R E P.

C H A P. IX.

Obsolete.

An Act for the half of all Fines to be paid to the Informer.

C H A P. X.

Repealed
by Proclama-
tion, May 14,
1718.*An Act concerning Foreign Debts.* R E P.

C H A P. XI.

Repealed,
Ch. 37, 1705,
and Chap. 3,
1726.*An Act permitting Persons under Execution, to redeem their Bodies with their Estates.* R E P.

C H A P. XII.

Repealed,
Ch. 3, 1664.*An Act concerning a Stint.* R E P.

C H A P. XIII.

An Act respiting the Time for planting Mulberry Trees. E X P.

C H A P.

C H A P. XIV.

An Act for keeping Holy the Thirteenth of September.

I. **W**HEREAS it is evident, that certain mutinous Villains had entered into such a desperate Conspiracy, as had brought an inevitable Ruin upon the Country, had not God in his infinite Mercy prevented it :

II. THIS Grand Assembly, to testify their Thanks to Almighty God, for so miraculous a Preservation, *Have Enacted*, That the Thirteenth of September (the Day when this villanous Plot should have been put in Execution) be Annually kept Holy, to keep the same in a perpetual Commemoration.

C H A P. XV.

An Act Repealing the Act of Amerciaments.

C H A P. XVI.

An Act concerning the Entertainment of Strangers.

I. **W**HEREAS it is frequent with divers Inhabitants of this Country, to entertain Strangers into their Houses, without making any Agreement with the Party, what he shall pay for his Accommodation ; which, if the Party live, causeth many litigious Suits ; and, if the Stranger die, lays a Gap open to many avaritious Persons, to ruin the Estate of the Party deceased : For Remedy whereof, for the future,

II. *BE it Enacted*, That no Person, not making a positive Agreement with any one he shall entertain into his House, for Diet, or Storage, shall recover any thing against any one so entertained, or against his Estate ; but that every one shall be reputed to entertain those of Courtesie, with whom they make not a certain Agreement.

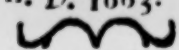
C H A P. XVII.

An Act concerning the Northern Indians.

I. **U**PON serious Debates and Considerations had of the late Troubles, and Means most likely to procure the future Peace and Safety of this Country, *It is, by this Grand Assembly, and the Authority thereof, Enacted*, That the King of *Potowmeck*, and all the rest of the Northern (a) *Werowances*, and (b) *Mongaies*, that have given any Cause of Jealousy to the English, as soon as

(a) Chief Men.
(b) Another Name for a chief Man.
may

A. D. 1663.



may be, deliver such Hostages of their Children, or others, as shall be required; and if they, or any of them, shall refuse to deliver such Hostages as shall be required, that Nation to be declared an Enemy, and proceeded against accordingly. And if it shall at any Time hereafter happen, that any *Englishmen* be killed, or hurt, or any ways injured by any *Indian*, that Nation or Nations nearest adjoining, where the Murder or Injury shall be committed, shall be enjoined to use their best Endeavour to bring in the *Indian* or *Indians* that committed the Offence, or else they to be declared the Actors thereof, and proceeded against accordingly. And if any strange *Indians* whatsoever, not Tributary to the *English*, shall at any Time come into any of their Parts, that they immediately raise all the Force they can against them, and pursue them as Enemies; and in Case they shall want any Assistance from the *English*, not having Strength enough themselves, the Nation or Nations, who desire it, shall repair, or send some of his, or their great Men to such Officer or Officers of the Militia, as by the Honourable the Governor shall be impowered, and inform him or them, as near as they can, of the Number of their Enemies; which Officers are hereby required to send such Aid to assist them, as by their Commission they shall be impowered: And further, that the King of *Potowmeck*, and all the rest of the neighbouring *Indians*, shall hereafter use all their Care and Diligence in finding out the Doers and Actors of the late Murders and Mischiefs done upon and to the *English*; and upon Intelligence, to cause the Murderers, or use their utmost Endeavour to have them brought in; and that all the Nations join and pursue the (a) *Doegs*, who confess to be Actors in the first Murders, to the (b) *Okanacheyes* and (c) *Monachins*, or to any other Place, where they have Intelligence they, or any of them are fled to; and when they have found them, to bring them to the *English*; and also, if any of the *Doegs* shall at any Time hereafter come to truck or trade with them, at any Place, that they presently secure them, and bring them to the *English*.

(a) A Nation
extinct.
(b)(c) These
Nations ex-
tinct.

(d) An In-
dian Word,
signifying
Counsel.

II. *AND be it further Enacted*, That the King of *Potowmeck* be enjoined not to go and hold (d) *Matchacomoco* with any strange Nation, without Knowledge of the aforesaid Officers of the Militia, until the Hostages be delivered, according to the Tenor of this Act.

III. *AND* as we have endeavoured for the Future, for the Safety of the Country, that such Hostages be delivered, as shall be required, so *It is also Enacted*, That the Hostages to be delivered, shall be civilly used and treated by the *English*, to whose Charge they shall be committed; and that they be brought up in the *English* Liturgy, so far as they are capable: And that the Care of putting them forth, and the Disposal of all Things belonging to them, be humbly referred to the Honourable the Governor, who is also desired, from Time to Time, as he shall see Cause, to enquire of their Usage; and that there be allowed, if there be not Persons willing to take them otherwise, and educate them as aforesaid, Twelve Hundred Pounds of Tobacco a Year for each Hostage, for such Maintenance and Education.

IV. *AND* for the *Indians* Assurance under our Government, *Be it Enacted*, That they shall have equal Justice with our own Nation, as the Laws already made, have provided.

V. *AND be it further Enacted*, That in Case any of the said Hostages be seduced, or carried away by any *Indian*, or otherwise depart out of the Limits prescribed, then any Nation entertaining such Hostages, or not bringing them back, shall be held, declared, and proceeded against, as an Enemy.

A.D. 1663.

C H A P. XVIII.

An Act prohibiting Servants going abroad without License.
R E P.

Repealed,
Ch. 49. 1704.



Enacted, *That this Assembly be adjourned until the 20th of March, 1664; unless the Honourable the Governor see Occasion to call it sooner.*

Signed by Sir WILLIAM BERKELEY, Governor.

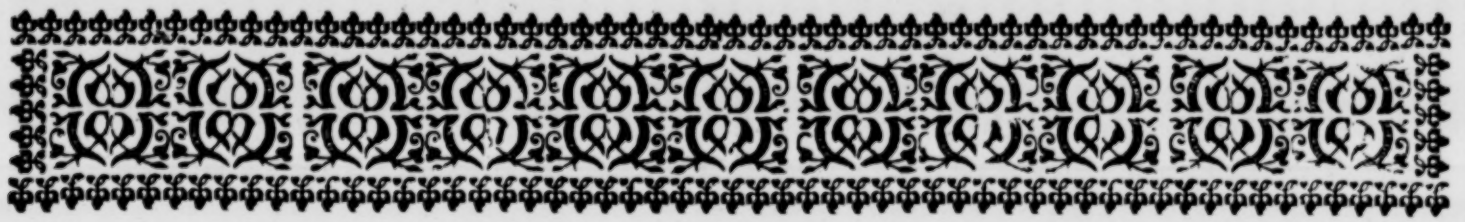
Robert Wynne, *Speaker.*



E

At

A. D. 1664,



At a GRAND ASSEMBLY, held at *James* City, by Prorogation, from *September* the Tenth, 1663, to *September* the Twentieth, 1664; and in the Sixteenth Year of the Reign of our Sovereign Lord King CHARLES II.

CHAP. I.

Repealed,
Ch. 34. 1705,
and was of no
Use.

An Act for the Priority of Paiment to the Country Creditors.
R E P.

CHAP. II.

Repealed,
Ch. 1. 1704.

An Act for Frontiers to be seated with Four able Hands. R E P.

CHAP. III.

An Act for Liberty to plant. E X P.

CHAP. IV.

Repealed,
Ch. 19. 1705.

An Act for proportioning all Actions for the Forenoon and After-noon. R E P.

CHAP. V.

An Act concerning the regulating the Secretary's Office. E X P.

CHAP.

A. D. 1664.

C H A P. VI.

*An Act for convening of the People, upon Summons of the Burges-
ses to adjourned Assemblies. R E P.*

Repealed,
Ch. 2. 1705.

C H A P. VII.

An Act concerning Widows Thirds. R E P.

Repealed,
Ch. 1. 1673,
and Chap. 33,
1705.

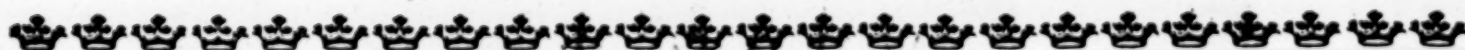
C H A P. VIII.

An Act Repealing the Act concerning Rum.

C H A P. IX.

An Act concerning Arrests in Court Times.

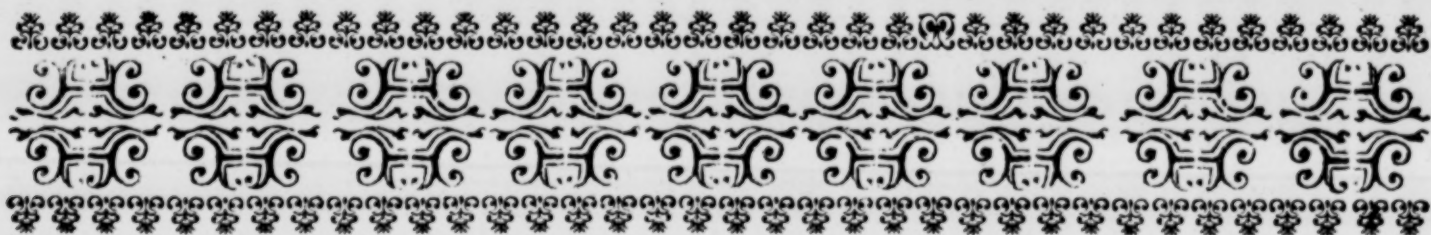
Obsolete.
Vid. Chap. 9.
1682, and
Ch. 19. 1705.



Signed by Sir WILLIAM BERKELEY, Governor.

Robert Wynne, Speaker.





At a GRAND ASSEMBLY, held at *James City*, by Prorogation, from *September* the Twentieth, 1664, to *October* the Tenth, 1665; and in the Seventeenth Year of the Reign of our Sovereign Lord King CHARLES II.

CHAP. I.

Repealed
Ch. 11. 1710.

An Act empowering a Justice of the Peace to grant Attachments.
R E P.

CHAP. II.

A Repeal of the Act for defraying the Encouragement for killing Wolves, by a Tax upon Horses.

CHAP. III.

Repealed,
Ch. 9. 1691,
and Ch. 52.
1705.

An Act prohibiting the Sale of Arms to the Indians. R E P.

CHAP. IV.

Repealed,
Ch. 2. 1671.

An additional Act for better Restraining the Exportation of Hides.
R E P.

CHAP. V.

Expired.
The Laws
hereby in-
tended to be
explin'd, be-
ing repealed.

An Act concerning the Intent of some former penal Acts. E X P.

CHAP.

C H A P. VI.

An Act concerning bounding of Counties and Parishes. E X P.

C H A P. VII.

An Act Repealing the Act of Ten Shillings per Hogshead.

C H A P. VIII.

An Act concerning the Indians.

I. **W**HEREAS, at a Grand Assembly, held at *James City*, the Tenth of September, One Thousand Six Hundred Sixty Three, *It was Provided*, That where any Murder was committed by the *Indians* upon the *English*, the next Town of *Indians* was to use their utmost Endeavour for the bringing in and discovering the Actors and Doers thereof: And in Regard the said Act was only limited upon the Northern *Indians*, this Grand Assembly have thought fit to Enact, *And be it Enacted*, That the said Law be made a general Law against all *Indians* whatsoever; and where any Murders be committed upon the *English*, the next Town is to use all their Care and Diligence in finding the Doers and Actors of the Murders.

II. *AND be it further Enacted*, That if any *Englishman* be murdered, the next Town shall be answerable for it, with their Lives or Liberties, to the Use of the Public; and that the Honourable the Governor be humbly requested forthwith to empower such Persons as his Honour shall think fit, in each County, on such Occasions, for putting the said Law into immediate Execution; and that it be made known to all *Indians* whatsoever, by those Persons so commissioned, within Two Months after the said Law is in Force.

III. *AND be it further Enacted, by this Grand Assembly*, That the said *Indians* shall not have Power, within themselves, to elect or constitute their own *Werowance*, or Chief Commander, but the present Honourable Governor, and his Successors, from Time to Time, shall constitute and authorize such Person in whose Fidelity they may find greatest Cause to repose a Confidence, to be the Commander of the respective Towns: And in case the *Indians* shall refuse their Obedience to, or murder such Person, then that Nation of *Indians* so refusing or offending, to be accounted Enemies and Rebels, and be proceeded against accordingly.

IV. *AND* whereas, the careless Manner of the *English* in going unarmed to Churches, Courts, and other public Meetings, may probably, in Time, incite the *Indians* to make some desperate Attempt upon them: *It is further Enacted*, That the Honourable Governor be requested to issue his Commands to the Officers of the Militia, to take care to prevent the same.

V. *AND*

A. D. 1665.

V. *AND it is further Enacted*, That any Person or Persons, that shall harbour, entertain, or employ any *Indian*, shall be fined Five Thousand Pounds of Tobacco, or suffer One Year's Imprisonment, without Bail or Mainprize; unless such as shall give sufficient Security to the County Court, and upon such Security obtain a Certificate from the said Court, and upon that Certificate, a License from the Governor.

VI. *AND* whereas, by the former Articles of Agreement, *it was Provided*, That no *Indians*, which are seated on the South Side of *James River*, should come over the *Black Water*, or the Southern Branches thereof: *It is hereby Enacted*, That the said Southern Branches of *Black Water*, from the Head of those Branches to the present *Apamatuck Indian Town*, and thence cross the River by a continued Line, to the present *Monakin Indian Town*, be the Bounds of the *Indians*, on the South Side of *James River*.

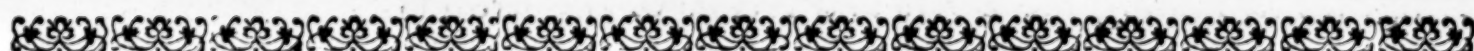
C H A P. IX.

An Act concerning the building of a Fort. E X P.

C H A P. X.

An Act Preparatory to a Stint or Cessation. R E P.

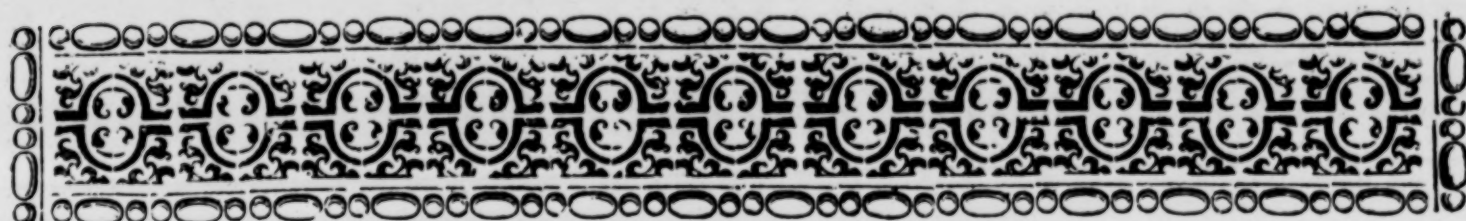
Repealed,
Ch. 4. 1666.



This Assembly was adjourned to the 10th of March, 1666; unless the Governor saw Cause to summon it sooner.

Signed by Sir WILLIAM BERKELEY, Governor.
Robert Wynne, Speaker.





At a GRAND ASSEMBLY, holden at *James*
City, the Fifth Day of *June*, 1666; and in
the Eighteenth Year of the Reign of our So-
vereign Lord King CHARLES II.

Sir WILLIAM
BERKELEY,
Governor.

CHAP. I.

An Act for a Cessation. EXP.

CHAP. II.

An Act concerning Tenders of Tobacco. REP.

Repealed,
Ch. 46. 1705.

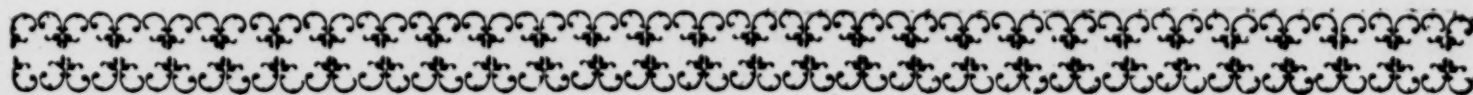
CHAP. III.

An Act for altering the Day of the General Court. REP.

Repealed,
Ch. 1. 1684.

CHAP. IV.

An Act for Repeal of the Act Preparatory to a Stint.

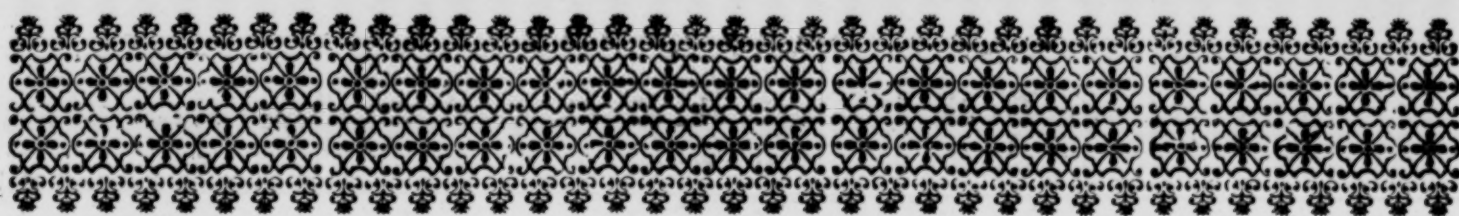


*This Assembly was adjourned by Act of Assembly, to the 25th of April, 1667;
unless the Governor found Occasion to convene it sooner.*

Signed by Sir WILLIAM BERKELEY, Governor.

Robert Wynne, Speaker.

At



At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Fifth Day of *June*, 1666, to the Twenty Third of *October*, 1666; and in the Eighteenth Year of the Reign of our Sovereign Lord King CHARLES II.

CHAP. I.

An Act for a Cessation. EXP.

CHAP. II.

An Act shewing how Debts are to be paid the Cessation Year.
EXP.

CHAP. III.

An Act for Valuation of Commodities for Paiment of Public Dues.
EXP.

CHAP. IV.

An Act for rating of Ordinary keepers. REP.

Repealed,
Ch. 40. 1705.

CHAP. V.

An Act ascertaining Surveyors Fees. REP.

Repealed,
Ch. 22. 1705.

CHAP.

A.D. 1666.

C H A P. VI.

An Act Repealing the Act of Encouragement for killing Wolves.

C H A P. VII.

An Act concerning the Salt-work at Accomack.

This Act
repeals the
6th Chapter,
1663.

C H A P. VIII.

An Act prohibiting Indians to come into Henrico County. R E P. Repealed,
Ch. 5. 1671.

C H A P. IX.

An Act for Supply of Ammunition. R E P.

Repealed
by the Act
concerning
the Militia,
An. 1705,
and 1723.

C H A P. X.

An Act for setting up Looms in each County. R E P.

Repealed,
Ch. 5. 1684.

C H A P. XI.

An Act imposing a Fine for Entertaining Run-aways. R E P.

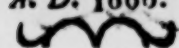
Repealed,
Ch. 49. 1705.

C H A P. XII.

An Act concerning Servants coming in without Indentures. R E P.

Repealed,
Ibid.

A. D. 1666.



C H A P. XIII.

An Act for Criminals to bear their own Charges of Prosecution.

I. **W** H E R E A S the Charge of prosecuting criminal Persons, hath been hitherto usually defrayed, part by the Public, but most by those Counties where the Offenders dwelt, or the Fact was committed; for Avoidance of which Charge, it is probable that many lewd Livers, by a too favourable Censure, escape their deserved Punishment:

II. *B E it therefore Enacted, by this Grand Assembly, and the Authority thereof, That where the Person committed, hath Estate sufficient to defray the Charge of his Prosecution, the Public or County shall not be charged, but the whole paid out of the Delinquent's Estate; and the Public and County only then liable to satisfy, where no Estate, or not sufficient, can be found and discovered.*

C H A P. XIV.

An Act of Dispensation for Lower Norfolk to ship their Tobacco.
E X P.

C H A P. XV.

An Act Repealing the Acts for Encouragement.

C H A P. XVI.

Repealed,
Ch. 41. 1705.

An Act for Millers to grind according to Turn. R E P.

C H A P. XVII.

Repealed,
Ch. 15, 1705.

For including Sheep into the 77th Act. R E P.

C H A P. XVIII.

Repealed,
Ch. 34. 1705,
which was
repealed by
Proclamation,
and provided
for, Chap. 5,
1730.

An Act ascertaining Damages upon protested Bills of Exchange. R E P.

C H A P.

A. D. 1666.

C H A P. XIX.

An Act declaring that no Justice shall take Fee.

Useless.

C H A P. XX.

An Act declaring what is meant by Seating of Land. R E P.

Repealed
by Proclama-
tion, Oct. 24,
1711, and by
Ch. 13. 1710.

C H A P. XXI.

An Act concerning imperfect Patents.

Useless.

C H A P. XXII.

An Act commanding Law-Books to be provided for each County.

I. **W** H E R E A S, for the better Conformity of the Proceedings of the Courts in this Country to the Laws of *England*, it appears necessary, that for the better Direction therein, all the former Statutes at large, and those made since the Beginning of the Reign of His most sacred Majesty that now is, and some other esteemed Books of Law, be purchased:

Preamble.

II. *IT is therefore, by the Grand Assembly, and the Authority thereof, Enacted accordingly,* That all the aforesaid Statute-Books, and *Dalton's* Justice of the Peace, and Office of a Sheriff, and *Swinborne's* Book of Wills and Testaments, be sent for, by Mr. Auditor, for the Use of the General-Court, and Assembly, to keep at *James City*, and paid for out of the Two Shillings per Hogshead. And that the like Books be sent for, by some of the Commissioners of the several County-Courts, for the Use of the respective Counties, and paid for out of the County Levy.

What Books
to be provi-
ded for the
General-
Court, Af-
sembly, and
County Courts

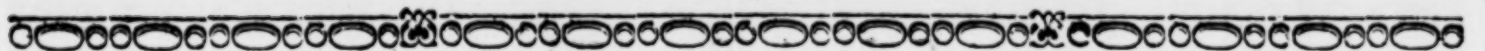
C H A P. XXIII.

An Act imposing Fines on refractory Persons. R E P.

Repealed
by the Acts
concerning
the Militia,
in the Years
1705 & 1723.

A. D. 1666.

C H A P. XXIV.

Repealed,
Ch. 3. 1705.*An Act for the better Explanation of the 46th Act in the printed Book.* R E P.
Memorandum. *This Assembly was adjorn'd to the 12th of November, 1667.**Signed by Sir WILLIAM BERKELEY, Governor.**Robert Wynne, Speaker.*



At a GRAND ASSEMBLY, holden at *James*
City, the Twenty-Third Day of *Septem-*
ber, 1667; and in the Nineteenth Year of
the Reign of our Sovereign Lord King
CHARLES II.

Sir WILLIAM
BERKELEY,
GOVERNOR.

CHAP. I.

An Act for Tobacco of Maryland Growth, to be free from Duties.
EXP.

CHAP. II.

An Act declaring that Baptism of Slaves doth not exempt them
from Bondage. REP.

Repealed.
And re-enact-
ed, Chap. 49,
1705.

CHAP. III.

An Act for Encouragement for erecting Mills. REP.

Repealed,
Ch. 41. 1705.

CHAP. IV.

An Act for Roads to Houses. REP.

Repealed,
Ch. 39. 1705.

CHAP. V.

An Act against Exportation of Corn. EXP.

CHAP.

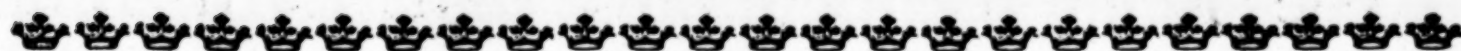
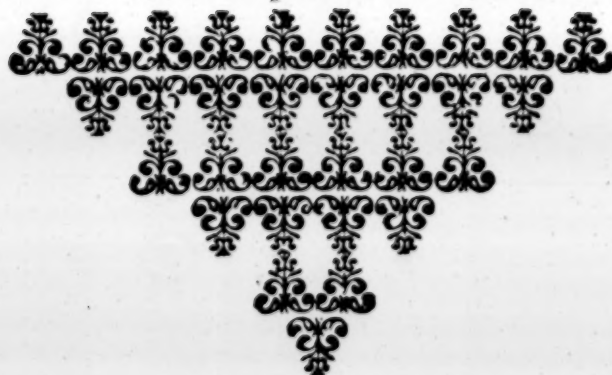
A. D. 1667.



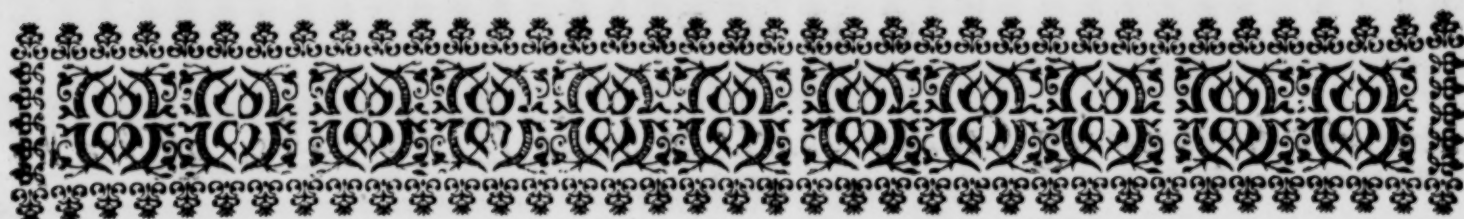
C H A P. VI.

Repealed,
Ch. 40. 1705.*An Act for the Rating Ordinary-keepers.* R E P.

C H A P. VII.

An Act for Forts to be built in each River. E X P.*Signed by Sir WILLIAM BERKELEY, Governor.*Robert Wynne, *Speaker.*

At



At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Twenty-Third of *September*, 1667, to the Seventeenth of *September*, 1668; and in the Twentieth Year of the Reign of our Sovereign Lord King CHARLES II.

CHAP. I.

An Act for establishing a Fast. EXP.

CHAP. II.

An Act for Dispensation of Ships riding under the Forts. EXP.

CHAP. III.

An Act concerning Damages on Appeals. REP.

Repealed,
Ch. 5. 1696,
and Chap. 19,
1705.

CHAP. IV.

An Act about Correction of Runaways. REP.

Repealed,
Ch. 49. 1705.

CHAP.

A. D. 1668.

C H A P. V.

An Act empowering County Courts to build Work-houses, affifted by the Vestries.

The Execu-
tion of this
Law neglec-
ted.

I. **W**HEREAS the Prudence of all States ought, as much as in them lies, to endeavour the Propagation and Increase of all Manufactures conducing to the Necessities of their Subsistence: And God having blessed this Country with a Soil capable of producing most Things necessary for the Use of Man, if industriously improved:

II. *IT is Enacted, by this Grand Assembly, and the Authority thereof,* That for the better converting Wool, Flax, Hemp, and other Commodities, into Manufactures, and for the Increase of Artificers in the Country, that the Commissioners of each County Court, with the Assistance of the Vestries of the respective Parishes in that County, shall be, and hereby are empowered to build Houses for educating and instructing poor Children, in the Knowledge of Spinning, Weaving, and other useful Occupations and Trades; and Power granted, to take poor Children from indigent Parents, to place to work in those Houses.

C H A P. VI.

An Act permitting the Exportation of Horses and Mares.

C H A P. VII.

An Act continuing the Tax on Negro Women. R E P.

Repealed,
Ch. 7. 1705.

C H A P. VIII.

An Act concerning the Property of Tobacco.

I. **W**HEREAS some Questions have been made, whether Weighing, or Marking, or both, transferred the Property of Tobacco, some Persons having, both by Weight and Mark, received, and yet by the Alteration of their own Occasions, have after refused the Tobacco so received, and upon Pretence of Non-acceptance (having the Speciality still in their Hands) have recovered Judgment for Sums that justly were discharged:

II. *THEREFORE, be it Enacted, by this present Grand Assembly, and the Authority thereof,* That Marking alone, being the usual Way of appropriating all Things, without Weighing, doth transfer the Property of Tobacco

bacco to him that ſets, or cauſes to be ſet, his Mark upon it: And, that for aſcertaining the Sum paid, if the Receiver have not Convenience to weigh it when he marks it, then he that pays it away, may, after Ten Days Reſpite, deſire any Commiſſioner of that County to weigh the Tobacco, or cauſe it to be weighed; and the Atteſtation of the ſaid Commiſſioner, or Oath of the Perſon or Perſons by him deputed, ſhall oblige the Creditor to diſcount or allow the Quantity.

A. D. 1668.

C H A P. IX.

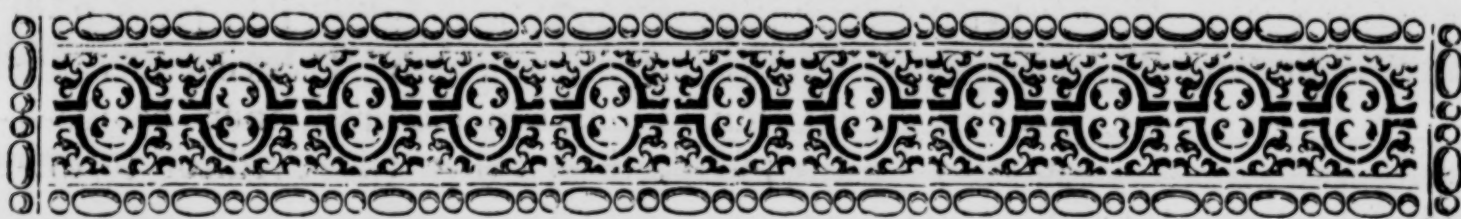
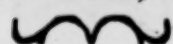
An Act for Reſtraint of Tippling Houſes. R E P.

Repealed,
Ch. 40, 1709.



Memorandum. *This Aſſembly adjourned to the 25th of September next; unless the Governor ſee Occaſion to call it ſooner.*





At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Seventeenth of *September*, 1668, to the Twentieth of *October*, 1669; in the Twenty-First Year of the Reign of our Sovereign Lord King CHARLES II.

C H A P. I.

Repealed,
Ch. 49. 1705.

An Act about the casual killing of Slaves. R E P.

C H A P. II.

Obsolete,
and impracti-
cable.

An Act against the Importation of Horses and Mares.

C H A P. III.

Repealed,
Ch. 11, 1710.

An Act for Re-Examination of Orders in the County Courts.
R E P.

C H A P. IV.

Provided
for, by several
other Acts,
from Time
to Time.
Vid. Chap. 12
1717.

An Act for the Fee of a Dedimus Potestatem. R E P.

C H A P.

A. D. 1669.

C H A P. V.

An Act for Freeing Virginia Owners from Castle Duties.

W H E R E A S the Act for Encouragement of *Virginia* Owners, exempts them from Paiment of Two Shillings per Hogshead: *It is hereby Enacted*, That they be also exempted from paying the Castle Duties, for their greater Encouragement.

Confirmed
by the 3d Ch.
1680.

C H A P. VI.

An Act for Encouragement to make Silk.

Obsolete.

C H A P. VII.

An Act for each County to send Two Burgesfes. R E P.

Repealed,
Ch. 2. 1705.

C H A P. VIII.

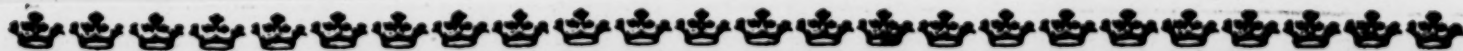
An Act for Encouragement to apprehend Runaways. R E P.

Repealed,
Ch. 1. 1670,
and Chap. 49
1705.

C H A P. IX.

An Act for destroying Wolves. R E P.

Repealed,
Ch. 10. 1670.

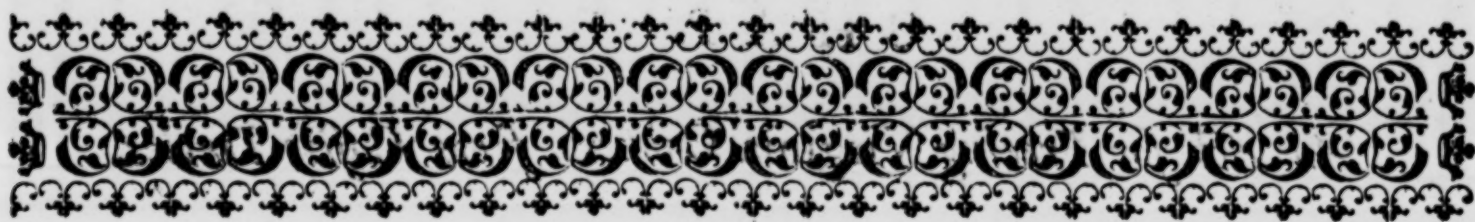


Signed by Sir WILLIAM BERKELEY, Governor.

Robert Wynne, *Speaker.*



A. D. 1670.



At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Twentieth of *October*, 1669, to the Third of *October*, 1670; and in the Twenty-Second Year of the Reign of our Sovereign Lord King CHARLES II.

C H A P. I.

Repealed,
Ch. 49. 1705.

An Act concerning Runaways. R E P.

C H A P. II.

Repealed,
Ch. 13. 1705.

An Act concerning Fences. R E P.

C H A P. III.

Repealed,
Ch. 2. 1705.

An Act for the Election of Burgeses, and by whom. R E P.

C H A P. IV.

Repealed,
Ch. 7. 1705.

An Act for Lists of Tithables to be published. R E P.

C H A P. V.

Repealed,
Ch. 49. 1705.

An Act declaring no Negroes, nor Indians, to buy Christian Servants. R E P.

C H A P.

A. D. 1670.

CHAP. VI.

An Act fhewing how Certificates for Marriages fhall iffue. REP. Repealed,
Ch. 48. 1705.

CHAP. VII.

An Act concerning litigious Suits. REP. Repealed,
Ch. 19. 1705.

CHAP. VIII.

An Act concerning Commissioners Warrants. REP. Repealed,
Ch. 49. 1705.

CHAP. IX.

An Act imposing a Penalty for not returning Two Burgefles. REP. Repealed,
Ch. 2. 1705.

CHAP. X.

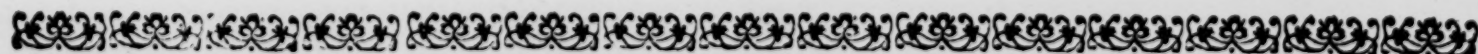
An Act for Repeal of the Act about Wolves.

CHAP. XI.

An Act for the better Paiment of Two Shillings per Hogfhead. REP. Repealed,
Ch. 3. 1680.

CHAP. XII.

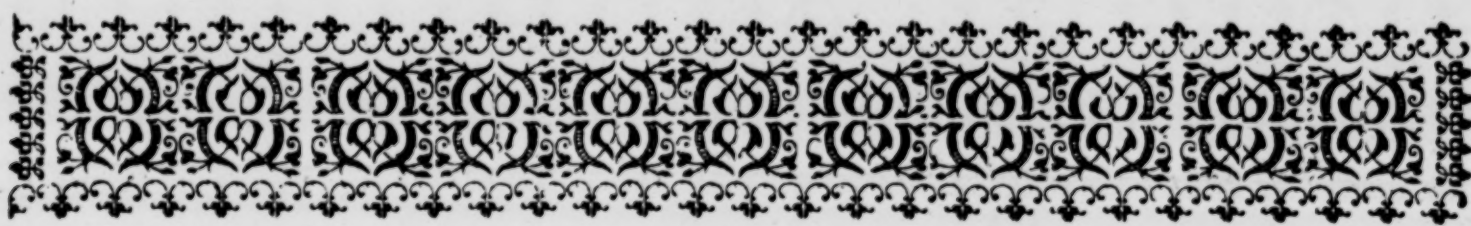
An Act declaring who fhall be Slaves. REP. Repealed,
Ch. 1. 1682,
and Chap. 49.
1705.



Signed by Sir WILLIAM BERKELEY, Governor.

Robert Wynne, Speaker.

At



At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Third of *October*, 1670, to the Twentieth of *September*, 1671; in the Twenty-Third Year of the Reign of our Sovereign Lord King CHARLES II.

CHAP. I.

Repealed,
Ch. 41. 1705.

An Act prohibiting Millers the taking of more than One Eighth Part of English Grain, Toll for Grinding thereof. R E P.

CHAP. II.

Prohibited
by Chap. 115.
1661, and
Ch. 23. 1662.

An Act permitting the Exportation of Wool, Hides, and Iron.

CHAP. III.

Repealed,
Ch. 40. 1705.

An Act for the moderating the Rates of Liquors. R E P.

CHAP. IV.

Repealed,
Ch. 33. 1705.

An Act providing how Negroes, belonging to Orphans of Intestates, shall be disposed of. R E P.

CHAP. V.

An Act Repealing the Act, making it Death for Indians coming into Henrico County.

CHAP.

A. D. 1671.

C H A P. VI.

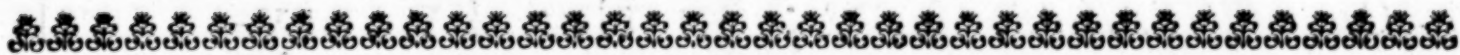
An Act concerning the Sheriffs Fee for Arrests.

Provided
for, by several
other Acts,
from Time
to Time.
Vid. Chap. 12
1727.

C H A P. VII.

An Act for Naturalization.

Provided for,
Ch. 2. 1680.



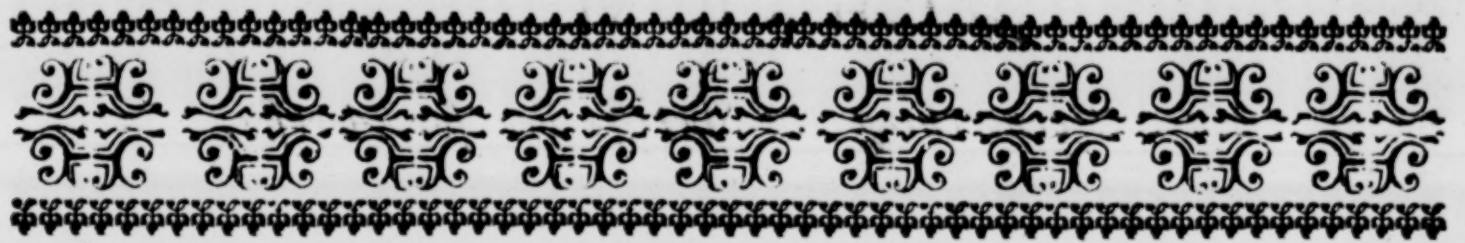
Be it Enacted, *That this Assembly be adjourned to the 20th of October, 1672;
and likewise the General Court.*

Signed by Sir WILLIAM BERKELEY, Governor.

Robert Wynne, *Speaker.*



At



At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Twentieth of *September*, 1671, to the Twenty-Fourth of *September*, 1672; in the Twenty-Fourth Year of the Reign of our Sovereign Lord King CHARLES II.

C H A P. I.

An Act for the Defence of the Country. E X P.

C H A P. II.

Repealed,
Ch. 33. 1705.

An additional Act concerning Orphans Estates. R E P.

C H A P. III.

Repealed,
Ch. 7. 1705.

An Act concerning Tithables born in the Country. R E P.

C H A P. IV.

Repealed,
and re-enacted,
Ch. 34. 1705.

An Act limiting how long Accompts shall be pleadable. R E P.

C H A P. V.

Repealed,
Ch. 49. 1705.

An Act concerning Servants sold for the Custom. R E P.

C H A P.

A. D. 1672.

C H A P. VI

*An Act concerning Masters of Ships and Collectors. R E P.*Repealed,
Ch. 3. 1680.

C H A P. VII.

An Act for suppressing Vagabonds ; and disposing of poor Children to Trades.

I. **W**HEREAS several wholesome Laws and Statutes have, by the Wisdom of several Parliaments of *England*, been made, and are in Force, as well for the Suppression of vagrant and idle Persons, as setting the Poor on Work ; the Neglect of which Laws amongst us, hath encouraged and much increased the Number of Vagabonds, idle and dissolute Persons:

Preamble.

Vid. Chap. 7.
1727.

II. *BE it Enacted, and it is hereby Enacted and Ordained, by the Governor, Council, and Burgesses, of this Grand Assembly, and the Authority thereof*, That the Justices of Peace in every County, do put the Laws of *England*, (a) against vagrant, idle, and dissolute Persons, into strict Execution : And that the respective County Courts shall be, and hereby are authorized and empowered to place out all Children (whose Parents are not able to bring them up) Apprentices to Tradesmen ; the Males 'till One and Twenty Years of Age, and the Females to other necessary Employments, 'till Eighteen Years of Age, and no longer ; and the Churchwardens of every Parish shall be strictly enjoined, by the Courts, to give them an Account Annually, at their Orphans Court, of all such Children, within their Parish, as they judge to be within the said Capacity.

Justices to put in Execution the Laws of *England*, against Vagrants.

County Courts to bind out poor Children to Trades.

Churchwardens to give Account Annually, to the Courts, of all poor Children in their Parish.

(a) The Laws of *England* in Force, at the Time of making this Act, were the old Statutes of 39 *Eliz.* cap. 1. 1 *Fac.* cap. 7. now Repealed by 12 *Anna*, cap. 23. and the 7 *Fac.* 1. cap. 4 : But only the 39 *Eliz.* seems to be practicable in this Country. By that Statute, all Scholars, and Seafaring Men, which beg ; all wandering Persons, which either beg, or use unlawful Games and Plays, feign themselves to have Skill in Physiognomy, Palmestry, or the like, or pretend to tell Fortunes ; all Persons that are, or pretend to be Collectors for Goals, Hospitals, &c ; all Fencers, Bearwards, Common Players, and Minstrels, wandering abroad ; all Juglers, Tinkers, Pedlars, and Petty Chapmen wandering abroad ; all Labourers, which wander and refuse to work for Wages reasonably taxed, having no Living otherwise to maintain themselves ; all Persons delivered out of Goal, which beg for their Fees, or otherwise do travel begging ; all which wander abroad begging, pretending Loss by Fire, or otherwise ; and all such Persons (not being Felons) wandering, and pretending themselves to be *Egyptians*, are declared to be Rogues, Vagabonds, and sturdy Beggars. And if any such Vagabond shall be taken begging, wandering, or misordering him or herself, he or she, by the Appointment of any Justice of Peace, shall be stripped naked, from the Middle upwards, openly whipped, 'till their Body be bloody, and forthwith sent, the next Way, from Parish to Parish, by the Officers of each Parish, towards the Place of their Birth : But if it cannot be known, then towards the Place where they last dwelt, by the Space of One whole Year, before such Punishment : And if it cannot be discovered where they were born, or last dwelt, then they are to be conveyed, by the Officer there, to the House of Correction, or common Goal of the County, to be employed in Work, or placed in some Service ; and so to continue for the Space of One Year.

A. D. 1672.

C H A P. VIII.

An Act for the Apprehension and Suppression of Runaway Negroes and Slaves. E X P.

C H A P. IX.

Repealed by
Ch. 34. 1705.

An Act shewing how far Mens Notes are pleadable against their Estates, if Dead. R E P.

C H A P. X.

Repealed,
Ch. 13. 1710.

An Act concerning Swamps and Marshes. R E P.

C H A P. XI.

Private Act,
confirmed by
Ch. 56. 1705.

An Act for Naturalization of Joshua Mulder, Henry Weedick, and Others. P R I V.



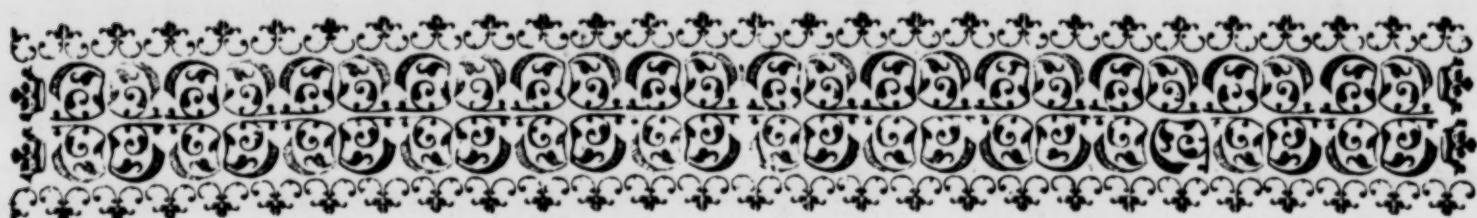
Memorandum. *This Assembly was adjourned 'till the 1st of October next.*

Sign'd by Sir WILLIAM BERKELEY, Governor.

Robert Wynne, Speaker.



At



At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Twenty-Fourth Day of *September*, 1672, to the Twentieth Day of *October*, 1673; in the Twenty-Fifth Year of the Reign of our Sovereign Lord King CHARLES II.

C H A P. I.

An Act for the establisshing the Dowrs of Widows. R E P.

Repealed,
Ch. 33. 1705.

C H A P. II.

An Act providing for the Supply of Arms and Ammunition. EXP.

C H A P. III.

An Act for the better putting in Execution the Act for Processions.
EXP.

C H A P. IV.

An Act for the Advancement of the Manufactory of Flax and Hemp. R E P.

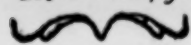
Repealed,
Ch. 6. 1684.

C H A P. V.

An Act concerning Tradesmen, and other Artificers, to pay Levies.

Repealed,
and re-enacted,
Chap. 7.
1705.

A. D. 1673.



C H A P. VI.

Never executed.

An Act permitting the Counties of the Isle of Wight, and Lower Norfolk, to erect each of them a Fort.

C H A P. VII.

Private.

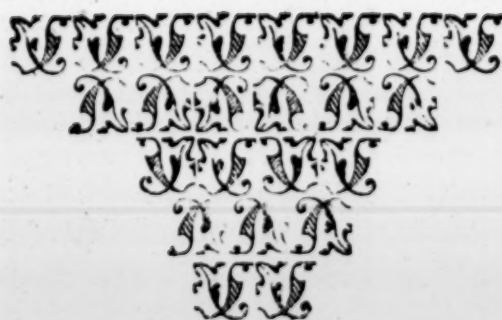
An Act for the Naturalization of John Peterfon, Rowland Anderfon, and Others. P R I V.

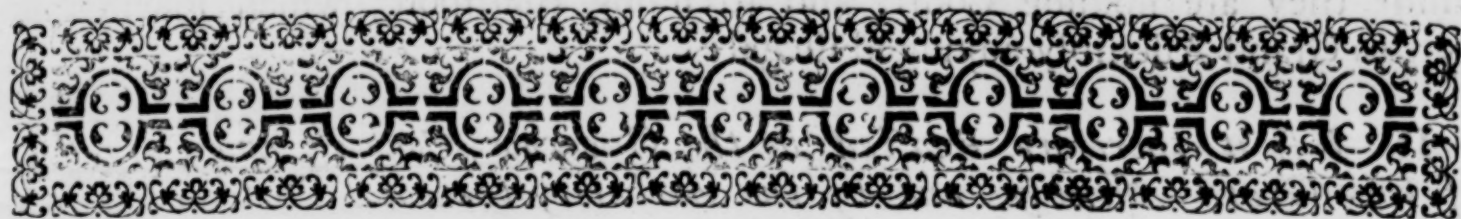


Memorandum. *This Assembly adjourned to the 21st of September next; unless the Governor see Cause to call it sooner.*

Signed by Sir WILLIAM BERKELEY, Governor.

Robert Wynne, Speaker.





At a GRAND ASSEMBLY, held at *James* City, by Prorogation, from the Twentieth Day of *October*, 1673, to the Twenty-First Day of *September*, 1674; and in the Twenty-Sixth Year of the Reign of our Sovereign Lord King CHARLES II.

C H A P. I.

An Act for an Address and Supplication to be made to the King's Most Excellent Majesty. E X P.

C H A P. II.

An Act for the Continuance of Two Hundred Pounds Sterling per Annum, over and above the One Thousand Pounds Sterling per Annum, to Sir William Berkeley, Knt. Governor. E X P.

C H A P. III.

An Act ascertaining Allowance for Evidences summonned to the General Court. R E P.

Repealed,
Ch. 19. 1705.

C H A P. IV.

An Act prohibiting the Justices of the severall County Courts, for levying Tobaccos upon the People, for their Accommodation and Expences, whilst they are keeping Court.

I. **W** H E R E A S it hath been complained of to this Grand Assembly, That it hath been the frequent Practice of some of the Justices of the severall County Courts of this Country, at the Time of laying their Levy, to assess upon the People of their respective Counties, certain Sums of Tobacco,

Preamble.

A. D. 1674. *W* bacco, for the paying and fatisfying their Expences and Accommodations, whilst they are holding Court, and attending therupon; which Practice is, by this Grand Affembly adjudged illegal:

No County to pay for the Accommodation of the Justices. II. *BE it therefore Enacted, by the Governor, Council, and Burgeffes, of this Grand Affembly, and by the Authority thereof, That no County from henceforth pay or allow for the Accommodation of the Justices, at their County Courts; any Order, Usage, or Custom to the contrary, in any-wile, notwithstanding.*

CHAP. V.

An Act empowering Mr. Secretary Ludwell, as Notary Public, to appoint Deputies. E X P.

CHAP. VI.

Repealed, *An Act commanding fuch Indians, who keep Hogs, to mark the*
Ch. 52. 1705. *same. R E P.*

CHAP. VII.

Repealed, *An Act empowering Feme-Coverts to make good Acknowledgement*
Ch. 13, 1710. *of Sales of Land. R E P.*

CHAP. VIII.

Private Act. *An Act afcertaning the Bounds of the Counties of the Ile of Wight,*
and Nancemond. P R I V.

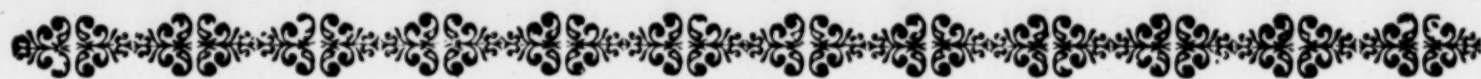
CHAP. IX.

Private. *An Act for the fettling the Lands at the Green Spring, in the*
Right Honorable Sir William Berkeley, his Heirs and Affings.
P R I V.

A. D. 1674

C H A P. X.

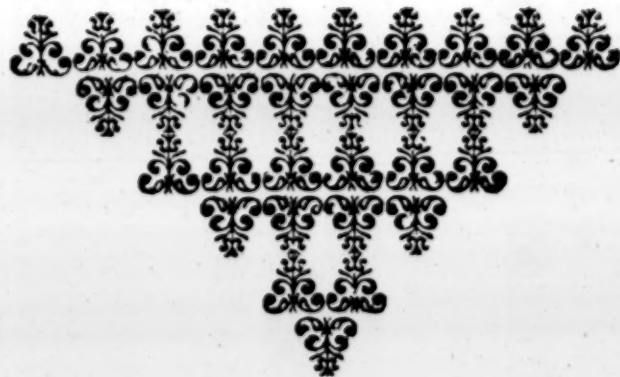
An Act for settling the Lands, conveyed from Sir William Berkeley, and Dame Frances, his Wife, in Colonel William Cole, his Heirs and Assigns. P R I V. Private.



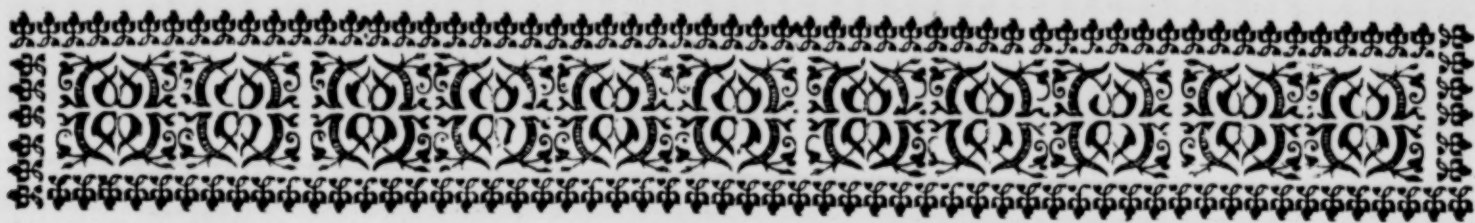
The Assembly adjourned till the 23d Day of March, 1675; unless there shall be Occasion to call it sooner.

Signed by Sir WILLIAM BERKELEY, Governor.

Robert Wynne, Speaker.



At



At a GRAND ASSEMBLY, held at *James* City, by Prorogation, from the Twenty-First Day of *September*, 1674, to the Seventh Day of *March*, 1675; in the Twenty-Eighth Year of the Reign of our Sovereign Lord King CHARLES II.

CHAP. I.

An Act for the Safe-guard and Defence of the Country against the Indians. EXP.

CHAP. II.

An Act prohibiting Trade with the Indians. REP.

Repealed,
Ch. 3. 1677,
and Chap. 9.
1691.

CHAP. III.

An Act prohibiting the Exportation of Corn, &c. EXP.

CHAP. IV.

Private Act. *An Act for the Naturalization of Christian Peterson.* PRIV.



This Assembly adjourned to the 5th Day of October next; unless the Governor see Cause to convene it sooner.

Signed by Sir WILLIAM BERKELEY, Governor.

Augustine Warner, Speaker.

At

A. D. 1676.

At a GRAND ASSEMBLY, begun and holden
at *James City*, the Fifth Day of *June*, 1676;
in the Twenty-Eighth Year of the Reign of
our Sovereign Lord CHARLES II. of *Eng-
land, Scotland, France, and Ireland*, King, De-
fender of the Faith, &c.

Sir WILLIAM
BERKELEY,
Governor.

- Chap. 1. *An Act for carrying on a War against the barbarous
Indians.*
2. *An Act concerning Indian Trade and Traders.*
3. *An Act concerning Indian Lands deserted.*
4. *An Act for suppressing of Tumults, Routs, &c.*
5. *An Act for the regulating of Officers and Offices.*
6. *An Act for chusing of Vestries.*
7. *An Act enabling Freemen to vote for Burgesses, and
preventing false Returns of Burgesses.*
8. *An Act for Representatives to vote, with the Justices,
at Levy Courts, and making Bye-Laws.*
9. *An Act for County Courts to appoint their Collectors,
and disabling Counsellors to vote in County Courts.*
10. *An Act for the limiting Sheriffs, &c. a Time to de-
mand the Levies, and for Tenders to be made them.*
11. *Two Justices of the Quorum to sign Probats, &c.*
12. *Counsellors, and Ministers Families, to pay Levies,
and Money allowed them.*

All the Acts
and Orders of
this Assembly,
repealed by
Proclamation,
and also by a
succeeding
Assembly
held this Year,
Chap. 4.

A. D. 1676.

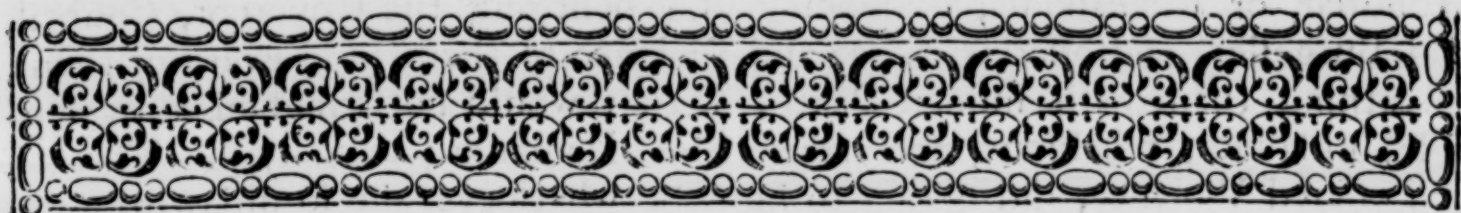
Chap. 13. *An Act altering the Encouragement for killing Wolves.*14. *An Act for the further Prevention of Mischief from unruly Horses.*15. *An Act against Exportation of Corn.*16. *An Act for the Suppression of Ordinaries.*17. *An Act limiting the Bounds of James City.*18. *An Act Repealing Laws concerning Accomack and Northampton.*19. *An Act of General Pardon and Oblivion.*20. *An Act disabling Edward Hill, and John Stith, to bear Office.*

Sign'd by Sir WILLIAM BERKELEY, Governor.

Thomas Godwin, Speaker.



At



At a GRAND ASSEMBLY, begun at *Green Spring*, the Twentieth Day of *February*; in the Twenty-Ninth Year of the Reign of our Sovereign Lord CHARLES II. by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. *Annoq; Domini 1676.*

Sir WILLIAM
BERKELEY,
Governor.

CHAP. I.

An Act of Indemnity and Free Pardon. REP.

Repealed
by Proclama-
tion, July 8,
1680.

CHAP. II.

An Act of Attainder. REP.

Ibid.

CHAP. III.

An Act inflicting Pains, Penalties, and Fines, upon great Offenders. REP.

Ibid.

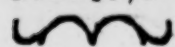
CHAP. IV.

An Act declaring all the Acts, Orders, and Proceedings, of a Grand Assembly, held at James City, in the Month of June, 1676, Void, Null, and Repealed.

I. **W**HEREAS Nathaniel Bacon, the younger, in the Month of *June*, Sixteen Hundred Seventy Six, whilst the Governor, Council, and Burgeſſes, were met and convened together, at a Grand Assembly, to conſult the great Concerns of the Country, did enter *James City*, in a rebellious Manner,

Preamble.

A.D. 1676.



Manner, with a confiderable Number of armed Men, to the Number of Six Hundred, or thereabouts, environing and befieging the Governor, Council, and Burgeffes, and offering Force and Violence to them, and every of them, threatning them with fudden Death, if they would not grant his unreafonable, unlawful, rebellious, and treasonable Demands; and by his Threats, and offered Violence, did obtain to himfelf, whatfoever he fo unlawfully demanded. And whereas, the King's Moft Excellent Majefty, by his gracious Proclamation, and the Right Honourable the Governor, by his Proclamation published, hath long fince declared all the Proceedings of the faid Affembly, to be Void in Law:

All Acts, &c.
of the Affem-
bly of June,
1676,
repealed.

II. *BE it therefore Enacted, by this present Grand Assembly, and the Authority thereof, and it is hereby Enacted*, That all Acts, Orders, and Proceedings of the faid Grand Affembly, be Repealed, and made Null and Void.

C H A P. V.

Repealed
by Proclama-
tion, July 8,
1680.

An Act for the Relief of fuch Loial Persons as have fuffered Loss by the late Rebels. R E P.

C H A P. VI.

Repealed,
Ch. 13. 1699.

An Act afcertaining the Price of Cocquets. R E P.

C H A P. VII.

Repealed,
Ch. 49. 1705.

An Act limiting Masters dealing with their Servants. R E P.

C H A P. VIII.

Repealed
by Proclama-
tion, June 17,
1684.

An Act limiting Times of Receipt and Paiments of public Tobacco.
R E P.

C H A P. IX.

An Act Repealing the Acts allowing Free Tithables to divers Persons.

C H A P.

A. D. 1676.

CHAP. X.

An Act regulating Ordinaries, and the Prices of Liquors. REP. Repealed;
Ch. 40. 1707.

CHAP. XI.

An Act disposing Amerciaments upon cast Actions. EXP.

CHAP. XII.

An Act concerning Servants who were out in Rebellion. REP. Repealed
by Proclama-
tion, July 8,
1680.

CHAP. XIII.

An Act for the laying of Parish Levies. REP. Repealed
by Proclama-
tion, June 19;
1684.

CHAP. XIV.

An Act Repealing the Act of Encouragement for killing Wolves.

CHAP. XV.

An Act giving Liberty of Appeals to the Eastern Shore People. REP. Repealed,
and provided
for, Chap. 19,
1705.

CHAP. XVI.

An Act giving Seven Years Time to seat Frontier Lands. EXP.

CHAP. XVII.

An Act regulating Burgesfes Expences. REP. Repealed,
Ch. 2. 1705.

CHAP.

A. D. 1676.

C H A P. XVIII.

*An Act for setting a-part a Day of Humiliation, and a Day of
Thanksgiving.* E X P.

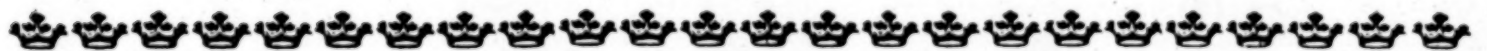
C H A P. XIX.

Private A&.

An Act of Naturalization for Garret Johnson. P R I V.

C H A P. XX.

An Act for opening Courts of Judicature. E X P.



Signed by Sir WILLIAM BERKELEY, Governor.

Augustine Warner, Speaker.



A. D. 1677.



At a GRAND ASSEMBLY, begun at *Middle Plantation*, at the House of Capt. *Otho Thorpe*, the Tenth Day of *October*, 1677; in the Twenty-Ninth Year of the Reign of our Sovereign Lord CHARLES II. of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c.

HERBERT
JEFFREYS,
Esq; Lieute-
nant-Gover-
nor.

CHAP. I.

An Act imposing Fines upon Delinquency of Grand Juries. REP.

Repealed,
Ch. 32. 1705,
and provided
for.

CHAP. II.

An Act prohibiting private Compositions. EXP.

CHAP. III.

An Act licensing trading with Indians. REP.

Repealed,
Ch. 8. 1680,
and Chap. 9.
1691.

CHAP. IV.

An Act imposing Fines on Sheriffs concealing Tithables. EXP.

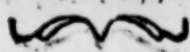
CHAP. V.

An Act ascertaining the Price of double Patents. REP.

Provided for,
from Time to
Time, by
several Acts.
Vid. Chap. 12.
1727.

CHAP.

A. D. 1677.



C H A P. VI.

Repealed,
Ch. 3. 1680.

An Act for the Imposition of Two Shillings on every Five Hundred Pounds Bulk Tobacco. R E P.

C H A P. VII.

Repealed
by Proclama-
tion, July 8,
1680.

An Act for Delivery of stray Horses, &c. R E P.

C H A P. VIII.

Provided for,
from Time to
Time, by fe-
veral Acts.
Vid. Chap. 5.
1727.

An Act restraining the Impress of Timber, &c. R E P.

C H A P. IX.

An Act settling the Form of Patents. E X P.

C H A P. X.

Provided for,
from Time to
Time, by fe-
veral Acts.
Vid. Ch. 12.
1727.

An Act ascertaining Coroners Fees. R E P.

C H A P. XI.

*An Act declaring the Year 1676, to be out of the Statute of Limi-
tations. E X P.*

C H A P. XII.

Repealed
by Proclama-
tion, June 19,
1684.

An Act for signing Executions on Judgments in the Assembly. R E P.

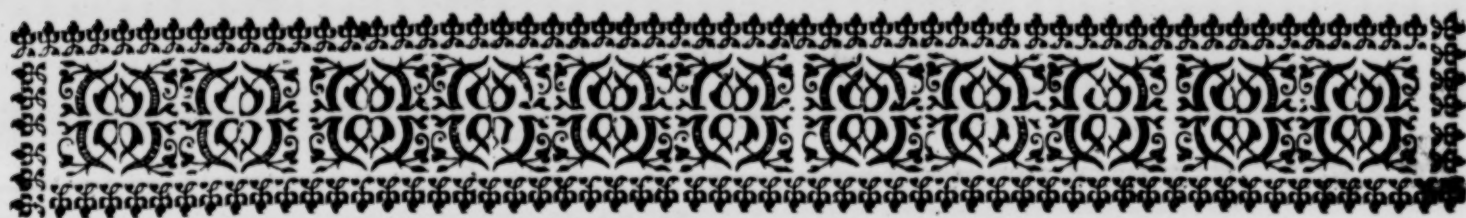


This Assembly was dissolved.

Sign'd by HERBERT JEFFREYS, Governor.

William Travers, Speaker.

At



At a GRAND ASSEMBLY, begun at *James*
City, the Twenty-Fifth Day of *April*, 1679;
and in the Thirty-First Year of the Reign of
our Sovereign Lord King CHARLES II.

Sir HENRY
CHICHELEY,
Lieutenant
Governor.

CHAP. I.

*An Act for the Defence of the Country against the Incursions of the
Indian Enemy. E X P.*

CHAP. II.

An additional Act for better preventing stealing of Hogs. R E P. Repealed,
Ch. 14. 1705.

CHAP. III.

*An additional and declaratory Law empowering County Courts to
make Bye-Laws. R E P.* Repealed
by Proclama-
tion, 1685.

CHAP. IV.

*An Act declaring how far Accounts are pleadable against dead
Mens Estates. R E P.* Repealed,
and re-enac-
ed, by Ch. 34.
1705; which
was repealed
by Proclama-
tion, April 19,
1730.

CHAP. V.

An Act Repealing the 129th Act of Assembly in the printed Book.

A. D. 1679.

C H A P. VI.

Repealed,
Ch. 13. 1699.*An Act ascertaining Collectors Fees, for Entry and Clearing
Ships, &c. R E P.*

C H A P. VII.

Repealed,
Ch. 33. 1705.*An Act for securing Orphans Estates. R E P.*

C H A P. VIII.

Repealed,
Ch. 5. 1705.*An Act prohibiting the Importation of Tobaccos into this Colony.
R E P.*

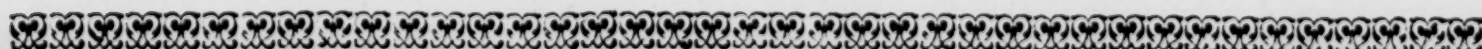
C H A P. IX.

*An Act forbidding Maryland Vessels trading into this Colony, with-
out making due Entry. E X P.*

C H A P. X.

Private Act. *An Act for the Naturalization of Abraham Vinckler, John Michael,
Jacob Johnson, John Primmit, and John Hexton. P R I V.*

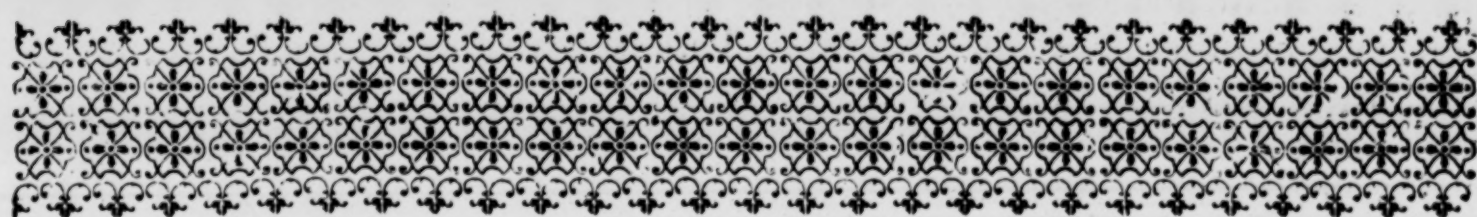
C H A P. XI.

Private Act. *An Act enabling Major Laurence Smith, and Capt. William Bird,
to seat certain Lands at the Heads of Rappahanock River, and
James River. P R I V.**The Assembly dissolved.**Signed by Sir HENRY CHICHELEY, Governor.*

Matthew Kemp, Speaker.

At

A. D. 1680.




At a GENERAL ASSEMBLY, begun at *James*
City, the Eighth Day of *June*, 1680; in the
Thirty-Second Year of the Reign of our So-
vereign Lord King CHARLES II.

Lord
CULPEPER,
Governor.

CHAP. I.

(a) *An Act of free and general Pardon, Indemnity, and Oblivion.*

I.  HE King's Most Excellent Majesty having taken into his se-
rious and gracious Consideration, the present State and Condi-
tion of his Colony of *Virginia*, and reflecting on the late Re-
bellion raised there by *Nathaniel Bacon*, Junior, deceased, his
Complices and Abettors, and how many of his good Subjects
were drawn into the same, and seduced from their Allegiance by the spe-
cious Pretences set forth by the said *Nathaniel Bacon*; who have since, by
their dutiful Behaviour, shewed themselves sensible thereof, and repent-
ing for the same; and to the Intent, that no Crime whatsoever, com-
mitted against his said Majesty and Government, may hereafter rise in
Judgment, or be brought in Question against any of them, to their least En-
damagement, either in Lives, Liberties, or Estates, or to the Prejudice of
their Reputations, by any Reproach, or Term of Distinction; and to turn all
Seeds of future Discord, and the Remembrance thereof, into utter Oblivion, as
well in his Majesty's own Breast, as in the Breasts of his Majesty's Subjects one
towards another; and out of an earnest Desire to put an End to all Suits,
Quarrels, and Controversies whatsoever, that, by Occasion of the said Rebel-
lion and late Distractions, have arisen, and may arise, between any of his
Majesty's Subjects. And in Pursuance of his gracious Proclamation of Pardon,
bearing Date the Twenty-Seventh Day of *October*, Sixteen Hundred Seventy
Six; and in the Twenty-Eighth Year of his Reign, is graciously pleased, that
it may be Enacted,

Preamble,
reciting *Ba-
con's Rebel-
lion, Anno
1676.*

Proclama-
tion of Par-
don, Oct. 27,
1676.

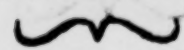
II. *AND be it Enacted, by the King's Most Excellent Majesty, by and
with the Consent of the General Assembly, That all, and all Manner of Treas-
ons, Misprision of Treasons, Murders, Felonies, Crimes, and Misdemeanours,
committed, acted, counselled, or done, by any Person or Persons whatsoever,
upon, or at any Time before the Sixteenth Day of January, Sixteen Hun-
dred Seventy Six, in the Twenty-Eighth Year of his Majesty's Reign, other
than the Persons hereafter excepted, in such Manner as they are excepted, by
Virtue or Colour of any Command, Power, Authority, Warrant, Commis-*

All Treasons
&c. before
16 January,
1676, par-
doned and
discharged.

Persons here-
in after na-
med, except-
ed.

(1) *Memorandum.* That this Act was brought over by the Lord Culpeper, under the Great Seal of
England, with full Power to give the Royal Assent to it; and passed the Assembly unanimously, as ap-
pears by the Lord Culpeper's Speech, and the Journal of the House of Burgesses, Anno 1680.

A. D. 1680.



fion, or Instructions, from Sir *William Berkeley*, late Governor of *Virginia*, deceased, or of or from any Person or Persons deriving, or pretending to derive, mediately or immediately, any Commission, Power, or Authority from the Grand Assembly in *Virginia*, held in *June*, Sixteen Hundred Seventy Six; or of or from *Nathaniel Bacon*, Junior, deceased, assuming unto himself the Authority of, or reputed to be Commander in Chief of all the Forces in *Virginia*, by Land or Sea, or from any other Person or Persons deriving, or pretending to derive, any Authority from them, any, or either of them, be pardoned, released, discharged, and put in utter Oblivion, and that as firmly and fully, to all Intents and Purposes, as if they, or every of them, had been herein particularly named and expressed.

All Persons engaged in the Rebellion, restored to their Estates, Real and Personal;

Yet liable to the Payment of their Debts.

III. *AND be it further Enacted, by the Authority aforesaid*, That all and every such Person and Persons, their, and every of their Heirs, Executors, and Administrators, except as hereafter excepted, that were actually engaged in aiding, acting, advising, assisting, abetting, or counselling the said Rebellion, shall have and enjoy all and every their Lands, Tenements, Hereditaments, Goods, and Chattles whatsoever, forfeited to his Majesty, his Heirs, and Successors, for any of the Crimes aforesaid, in the same Manner, and as freely to all Intents and Purposes, as if they had not been forfeited; yet so, that they, and every of them, and their Estates, Real and Personal, shall be subject and liable to pay all and singular their just Debts, in the same Manner, as if they had committed no Rebellion, Crimes, or Offences:

Nathaniel Bacon, Jun. excepted out of this Act.

IV. EXCEPT, and always foreprised out of this Act, the above named *Nathaniel Bacon*, Junior, the principal Contriver, Beginner, and Maintainer of the said Rebellion; who having taken up Arms, under Pretence of an *Indian* War, assumed unto himself, the Title of General, and did afterwards chase away the then Governor, there rob, kill, and continued to destroy several other of his Majesty's loyal Subjects that refused to take the detestable Oaths imposed by the said *Bacon*, until it pleased the Almighty to send him, the said *Bacon*, an infamous and exemplary Death, whereby he hath escaped the Punishment in this World so justly due to his Person:

And attainted of High-Treason.

Forfeits all his Estate, Real and Personal.

V. *BE it therefore Enacted, and it is hereby Enacted, by the Authority aforesaid*, That the said *Nathaniel Bacon*, Junior, shall be, by Virtue of this Act, and is hereby adjudged to be convict and attainted of High-Treason, to all Intents and Purposes, as if he had been convict or attainted thereof, by due Course of Law, in his Life-time; and that all the Estate, Real and Personal, whereof he was seised or possessed upon the Fifth Day of *June*, Sixteen Hundred Seventy Six, or at any Time after, within the Colony of *Virginia*, shall be forfeited to the King's Majesty, his Heirs and Successors; and it is hereby declared to be vested in his Majesty, his Heirs and Successors, without any Office or Inquisition thereof to be hereafter taken or found.

Proviso, sundry Persons named, and together with their Estates, excepted out of this Act.

VI. *PROVIDED* always, and be it Enacted, That this Act, nor any Thing therein contained, shall extend to pardon, discharge, or give any other Benefit whatsoever, unto *Giles Bland*, *Anthony Arnold*, *Richard Turner*, *Richard Pomfrey*, *John Isles*, *Robert Stoakes*, *John Whitson*, and *William Scarborough*, alias *Scarburgh*, who were all legally convicted, attainted, and executed, for their horrid Treasons and Rebellions; or to *Richard Lawrence*, who fired *James City*, and is since fled, notwithstanding his Majesty's gracious Proclamation; but that the Persons last aforesaid, and their Estates, are out of this Act wholly excepted and foreprised.

VII. *PROVI-*

A. D. 1680.

VII. *PROVIDED* also, and it is hereby Enacted and Declared, by the Authority aforesaid, That if Joseph Ingram, Gregory Walklate, Thomas Whaley, John Forth, and John Langstone, shall, at any Time after the passing this Act, accept or exercise any Office, or public Employment whatsoever, within the said Colony of Virginia, that then such of them, as do so accept or exercise as aforesaid, shall, to all Intents and Purposes, stand, as if he or they had been totally excepted by Name out of this Act.

Proviso, restraining the Persons here named, from executing any public Employment or Office.

VIII. AND whereas many of his Majesty's loyal Subjects cannot but be very great Sufferers by the Spoils and Rapines committed, during the late Rebellion; to the Intent that they may have as much Relief therein, as may possibly stand with the Quiet of the Country, as also for the avoiding and determining the endless Suits and Prosecutions, which must necessarily ensue, if Care be not taken to prevent the same,

For Relief of Sufferers by the Rebellion;

And for preventing Suits.

IX. *IT* is hereby further Enacted, by the Authority aforesaid, That as to any Wrong or Injury which hath been committed by any Person or Persons, at any Time between the First Day of May, and the Sixteenth Day of January, Sixteen Hundred Seventy Six, whereby the Goods or Commodities of any his Majesty's Subjects in Virginia, have been destroyed or spoiled, or have been impaired or made worse, and for which no Judgment hath been actually obtained, before the Twenty-Fifth of April, Sixteen Hundred Seventy Nine, in the Thirty-First Year of his Majesty's Reign, no Account, Suit, Process, or Satisfaction, be at any Time hereafter required, prosecuted, made, or given for the same, from or against any Person or Persons whatsoever.

No Satisfaction to be made for Wrongs done between 1 May, and 16 January 1676, if Judgment for the same hath not been obtained before April 25, 1679.

X. *PROVIDED* always, That where the Goods of any his Majesty's Subjects not actually engaged in the said Rebellion, or being aiding or assisting to the same, have been wrongfully taken away between the said First Day of May, and the said Sixteenth Day of January, and shall be found in the Possession of any other Person or Persons, it shall and may be lawful for the Owner or Owners of such Goods or Commodities, his or their Executors or Administrators, to take, sue for, and recover the same, by all legal Means; any Thing in this Act contained, or any other Laws, Acts, or Statutes to the contrary, notwithstanding.

Proviso, Goods of Persons not engaged in the Rebellion, taken between 1 May, and 16 January, may be recovered by the Owners.

XI. *PROVIDED* always, That no further Punishment, Satisfaction, or Damages, shall be recovered or inflicted on any Christian Servants, that have deserted their Masters, or been active in the late Rebellion, than that the Time incurring between the said First Day of May, and the said Sixteenth Day of January, shall be accounted no part of their Time of Service.

Servants acting in the Rebellion, to lose their Time of Service from 1 May, to 16 January.

XII. *AND* be it further Enacted, by the Authority aforesaid, That no Verdicts, Judgments, Indictments, Informations, Decrees, Sentences, Probat of Wills, Administrations, Writs, or Actings on, or Return of Writs, Orders, or other Proceedings whatsoever, in Law or Equity, had, made, given, taken, or done, or depending in any Courts, or before any Judges whatsoever, within the said Colony of Virginia; nor any Actings, Process, Proceedings, or Executions thereupon had, made, given, done, or suffered, at any Time, before the passing this Law within our said Colony, shall be avoided, for or by Reason that the Premises, or any of them, were commenced, prosecuted, had, made, held, or done, by or before any Person pretending and assuming the Name, Title, Authority, and Dignity of Governor of the said Colony, tho' he were not legally so; or before any Person or Persons,

No Judgments, Executions, &c. in Law or Equity, before the passing this Act, may be avoided, altho' commenced, &c. prosecuted before Judges not vested with legal Authority.

A. D. 1680.

But such
Judgments
shall be of like
Force, as if
the Judge had
been legally
authorized.

sons pretending and assuming the Name, Title, and Authority of Councillors within the said Colony, though not legally so; but that all and every such Verdicts, Judgments, and other Things above-mentioned, and the Actings, Doings, and Proceedings thereupon, shall be of such, and of no other Force, Effect, and Value, than as if such Person, so assuming the Name, Title, Authority, and Dignity of Governor, had been legally commissioned by his Majesty thereunto; and as if such Person or Persons, pretending the Name, Title, and Authority of Councillors there, had been legally authorized thereunto.

For prevent-
ing Aspersions
and scanda-
lous Reports
against the
Government.

XIII. AND whereas, during the Licentiousness of the late Times, several ill-disposed Persons took upon them to asperse the Government, and defame the Governor and Chief Magistrates of the said Colony, raising false and scandalous Reports; without which, our good Subjects there, could not have been so easily led away, which cannot but tend to the future Disturbance of the Peace and Welfare thereof, if not timely prevented, by inflicting Punishments proportionate to the Greatness of the Crime:

After the
passing this
Act, defaming
the Person of
the Governor,

Fine and Im-
prisonment.

XIV. *BE it therefore Enacted, by the Authority aforesaid,* That whosoever shall, after the passing of this Act, maliciously and advisedly, by writing, speaking, or otherwise, express, publish, utter, or declare, any Words, Sentences, or other Thing or Things, to incite or stir up the People to the Dislike of any Person appointed by his Majesty, to be Governor, or Commander in Chief of the said Colony, or tending to the Dishonour or Defaming of the said Governor, or Commander in Chief for the Time being; and being thereof legally convicted, shall be imprisoned during One Year, without Bail or Mainprize, and incur such Forfeiture, as shall be adjudged, not exceeding the Sum of Five Hundred Pounds, to the King's Most Excellent Majesty, his Heirs and Successors.

Defaming
the Person of
a Council-
lor, Judge,
or principal
Officer,

Fine and Im-
prisonment.

XV. *AND it is in like Manner Enacted,* That whosoever shall maliciously and advisedly, by writing, speaking, or otherwise, express, publish, utter, or declare, any Words, Sentences, or other Things, to incite or stir up the People to the Dislike of his Majesty's Councillors, Judges, or other principal Officers within the said Colony, or tending to the Dishonour or Defaming of the said Councillors, Judges, or principal Officers; and being thereof legally convicted, shall be imprisoned Three Months, without Bail or Mainprize, and incur such Forfeiture as shall be adjudged, not exceeding the Sum of One Hundred Pounds, to the King's Most Excellent Majesty, his Heirs and Successors; any Act or Acts, Order or Orders to the contrary, in any-wise, notwithstanding.

C H A P. II.

(a) *An Act for Naturalization.*

Preamble.

I. **W**HEREAS nothing can contribute more to the speedy settling and peopling of this his Majesty's Colony of *Virginia*, than that all possible Encouragement should be given to Persons of different Nations to transport themselves hither, with their Families and Stocks, for to settle,

(a) This Act was also brought by the Lord *Culpeper*, under the Great Seal of *England*, with the former, and passed the Assembly unanimously; and therefore could not be repealed by the Act, *Anno* 1705.

plant,

plant, or reside, by investing them with all the Rights and Privileges of any his Majesty's Natural Free-born Subjects within the said Colony. *A. D. 1680.*

II. *BE it therefore Enacted, by the King's Most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby Enacted, by the Authority aforesaid,* That it shall and may be lawful for the Governor, or Commander in Chief of this Colony, for the Time being, or any of his Successors, Governors of this Colony, by a public Instrument under the Broad Seal thereof, to declare any Alien or Aliens, Foreigner or Foreigners, being already settled, or Inhabitants of this his Majesty's Colony, or such as shall hereafter come for to settle, reside, or plant in it, and having taken the Oath of Allegiance, before the Governor, or Commander in Chief for the Time being, to be, to all Intents and Purposes, fully and completely naturalized; and that the said Persons, so approved of, and named in the said Letters Patents, as aforesaid, shall, by Virtue of this Act, have and enjoy to them and their Heirs, the same Immunities and Rights of and unto the Laws and Privileges of this Colony, and as fully and amply, as any of his Majesty's Natural-born Subjects have or enjoy within the same, as if they themselves had been born within any of his Majesty's Realms or Dominions; any former Law, Act, Ordinance, Usage, or Custom to the contrary, in any-wise, notwithstanding.

The Governor may grant Letters of Naturalization to Aliens.

Who shall take the Oath of Allegiance.

And enjoy all the Rights & Privileges of Natural-born Subjects.

III. And to the Intent, the said Letters Patents and Instrument, under the Broad Seal of this Colony, as aforesaid, may be obtained without any great Difficulty or Charge,

Fees for the Letters Patents.

IV. *BE it further Enacted,* That the Governor, or Commander in Chief, shall have and receive for the same, Forty Shillings, and his Clerk, for writing of it, Ten Shillings, and no more.

To the Governor 40 s.
the Clerk 10 s.

V. AND whereas several Aliens and Foreigners, that have formerly transported themselves to this his Majesty's Colony, and have taken up and patented in their own Name, several Parcels of Land, or otherwise made Purchase of Lands, Houses, or other Real Interest, and have afterwards sold the same to some of his Majesty's Liege People, or Inhabitants of this Colony:

Lands patented or purchased by Aliens, and sold to any Inhabitants of this Colony:

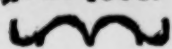
VI. *IT is therefore hereby Enacted and Ordained, by the Authority aforesaid,* That all such Person or Persons, that shall have so bought of any Alien or Aliens, any Lands, Houses, or Tenements, be secured, and by Virtue of this present Act, for ever confirmed in the quiet and peaceable Possession of the said Purchases, unto them, and their Heirs for ever; any former Law, Usage, or Custom to the contrary, in any-wise, notwithstanding.

The Purchasers confirm'd in the Possession of such Lands, &c.

VII. *PROVIDED,* That nothing in this Act contained, shall be construed to enable or give Power or Privilege to any Foreigner, to do or execute any Matter or Thing, which, by any of the Acts made in *England*, concerning his Majesty's Plantations, he is disabled to do or execute.

Provido, no Privilege hereby granted to Foreigners, contrary to the Laws of *England*.

A. D. 1680.



C H A P. III.

(a) *An Act for raising a public Revenue for the better Support of the Government of this his Majesty's Colony of Virginia.*

Preamble.

I. **W**HEREAS there is a great and continual Charge required for the Maintenance of the Governor, and several other Officers and Persons, as also for the Fort and Fortifications, besides many other contingent Expences, absolutely necessary for the Support of the Government of this Colony :

Two Shillings per Hoghead laid upon Tobacco.

II. *BE it therefore Enacted, and it is hereby Enacted, by the King's Most Excellent Majesty, by and with the Consent of the General Assembly, That for every Hoghead of Tobacco, that shall at any Time hereafter be exported out of this Colony, by Land or Water, to any other Place whatsoever, there shall be paid by the Exporter, Two Shillings of current Money of England, as also for every Five Hundred Pounds of Tobacco exported in Bulk, or otherwise, and so proportionably for a greater or lesser Quantity; the same to be to the King's Most Excellent Majesty, his Heirs and Successors for ever, to and for the better Support of the Government of this his Majesty's Colony of Virginia, in such Manner as is herein before expressed; and to and for no other Use, Intent, or Purpose whatsoever.*

One Shilling Three Pence per Tun upon Shipping.

III. *AND be it further Enacted, by the Authority aforesaid, That all Ships or Vessels whatsoever, coming to this Colony, or any Part thereof, shall respectively pay, for every Tun such Ship or Vessel shall contain, One half Pound of good and new Gunpowder, and Three Pounds of Leaden Shot, or One Shilling Three Pence Sterling, in Lieu thereof; as also Six Pence per Poll for every Person imported, not being actually a Mariner in Pay; the same to be also to the King's Most Excellent Majesty, his Heirs and Successors for ever, for the better Support of the Government of this his Majesty's Colony of Virginia, in such Manner as is herein before expressed; and to and for no other Use, Intent, or Purpose whatsoever.*

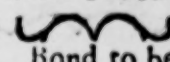
For the Discovery and Preventing Frauds.

IV. *AND for the better Discoverey and preventing of Frauds, Be it further Enacted, by the Authority aforesaid, That the Master of every Ship or Vessel shall deliver his Boatswain's Book to the Perusal of the respective Collectors, and make Oath of the Truth thereof, to the best of his Knowledge, and that the Mate, Boatswain, or any other Officer, Seaman, or other Persons, be also sworn, if there be Cause, for the Discovery of the Freight; and if any Master shall wittingly or willingly conceal any Part of his Freight, or make false Entry of the Burthen of his Ship or Vessel, or Number of Persons imported, as aforesaid, that then the said Master shall forfeit, for every such Offence, the Sum of One Hundred Pounds Sterling, as also the Treble Duties for every Hoghead or Five Hundred Pounds of Tobacco, and for every Tun concealed: One Moiety to the Informer, and the other Moiety to the King's Most Excellent Majesty, his Heirs and Successors, and for the Uses above mentioned; and to be recovered by Action of Debt, Bill, or Plaint, by Virtue of this Act, against which no Effoin, Wager of Law, or Protection to be allowed to any Person so offending.*

(1) This Act was also brought over by the Lord Culpepper, under the Great Seal of England, with the Two former, and passed the Assembly, with the Addition of the Two Provisos at the End of the Act; and therefore could not be repealed by the Acts, Anno 1705, and 1710.

V. *AND*

A.D. 1680.

 Bond to be given for paying the Duties of Tobacco enter'd in the Custom-house in England, more than shall be enter'd and paid for here.

V. *AND it is hereby further Enacted, by the Authority aforesaid, That the respective Master of every Ship and Vessel shall enter into a Bond of Twenty Pounds Sterling to the King's Most Excellent Majesty, his Heirs and Successors, for the Paiment of the Duties of so many Hogsheads, or Five Hundred Pounds of Tobacco, as shall, upon due Certificate, appear to be entered in the Custom-house in England, more than shall be enter'd and paid to the respective Collectors and other Officers in Virginia, unless the said Collectors and Officers be fully satisfied of the true Number of Hogsheads, and Freight of the said Ships and Vessels; the said Bond to be made without any Fee, and to be void to all Intents as if never made, if not put in Suit upon due Certificate, to be procured by the respective Collectors, from the Custom-house in England, within One Year from the making thereof; which said Collectors, and other Officers, are hereby required to use their utmost Diligence in the due Execution of this Act, and shall be allowed their usual Salaries, or such other, as by the Governor, or Commander in Chief for the Time being, with the Advice of the Council, shall be adjudged necessary for collecting the said Imposition: Which said Governor, or Commander in Chief for the Time being, is also hereby further authorized and impowered, from Time to Time, with the Advice of the Council, as is before specified, to give such reasonable Allowances and Encouragement, as shall be adjudged fitting, not exceeding Ten per Cent. to such Masters of Ships, or other Persons, as shall give in true Accounts, and advance and pay down the above mentioned Duties, either in Money, or good and sufficient Bills of Exchange, to the Satisfaction of the respective Collectors.*

VI. (a) *PROVIDED always, and it is hereby Enacted and Declared, by the Authority aforesaid, That the Act of Assembly, in the printed Book, intituled, Imposition of Two Shillings per Hogshead, made at a Grand Assembly, held at James City, the Twenty-Third of March, One Thousand Six Hundred Sixty One; also one other Act, intituled, An Act for the Imposition of Two Shillings per Hogshead, made at James City, the Second of December, One Thousand Six Hundred Sixty Two; also one other Act in the printed Book, intituled, Castle Duties to be paid, made at a Grand Assembly, holden at James City, the Twenty-Third of March, One Thousand Six Hundred Sixty One; and all other former Acts, for the raising or levying of Two Shillings per Hogshead Impost upon Tobaccos exported out of this his Majesty's Colony of Virginia, or for raising or levying Castle Duties, Tunnage, or Head-Money, be, and are hereby, by Virtue of this Act, fully Repealed and made Void, to all Intents and Purposes; any Thing in this Act, or any other Law, Statute, Custom, Usage, or Instructions whatsoever, to the contrary, notwithstanding.*

All former Duties repealed.

VII. (b) *PROVIDED also, and it is hereby Enacted and Declared, by the Authority aforesaid, That the Privilege of Virginia Owners of Ships, expressed and set down in the Hundred Thirty Fourth Act in the printed Book, intituled, Privilege of Virginia Owners, made at James City, the Twenty-Third of March, One Thousand Six Hundred Sixty One; and one Act made at James City, the Twentieth of October, One Thousand Six Hundred Sixty Nine, intituled, An Act for freeing Virginia Owners from Castle Duties, shall be, and are hereby meant and intended to be in full Force, Power, and Virtue, to the Benefit, Use, and Privilege of all and every such Owner or Owners; any Thing in this Act, or any other Law, Statute, Custom, Usage, or Instructions whatsoever, to the contrary, notwithstanding.*

134th Act, 1661, and one Act, 1669, confirm'd.

(a) (b) These Two Provisos were added by the Assembly, and the Bill passed, after it had been rejected by the Burgesses. Assembly Journal, June 18, 1680.

A. D. 1680.

C H A P. IV.

An Act for Continuation of the several Fortifications and Garrisons at the Heads of the Four great Rivers. E X P.

C H A P. V.

An Act for Cohabitation and Encouragement of Trade and Manufacture. E X P.

Repealed,
Ch. 6. 1682,
and revived
by the Repeal
of that Act,
and repealed
by Proclama-
tion, June 26,
1690.

C H A P. VI.

An Act imposing and ascertaining Attornies Fees. R E P.

C H A P. VII.

Repealed,
Ch. 7. 1705.

An Act ascertaining the Time when Negro Children shall be Tithable. R E P.

C H A P. VIII.

An Act licensing Free Trade with the Indians. E X P.

C H A P. IX.

Repealed,
Ch. 46. 1705.

An Act ascertaining Allowances for Cask. R E P.

C H A P. X.

Repealed,
Ch. 49. 1705.

An Act for preventing Negros Insurrections. R E P.

C H A P. XI.

Repealed,
Ch. 2. 1705.

An Act for Presentation and Delivery of Grievances. R E P.

C H A P.

A. D. 1680.

C H A P. XII.

An Act prohibiting the Transportation of raw Hides and Deer Skins. R E P.

Repealed,
Ch. 4. 1693,
and Chap. 29.
1705.

C H A P. XIII.

An Act prohibiting unlawful Disturbances of Divine Service.

BE it Enacted, (a) by the King's Most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby Enacted, by the Authority aforesaid, That whosoever, from and after the Publication of this Act, shall appear in any Church or Chapel within this his Majesty's Colony, whilst the Minister is exercising his Ministerial Function, and shall disturb him by Words, or any other manner of Means whatsoever; or shall there appear in any unseemly or undecent Gesture, any Justice, Sheriff, or other Officers then present, shall put such Person or Persons so offending, under Restraint, during Divine Service; who shall also, for the first Offence, be fined Two Hundred Pounds of Tobacco and Cask; and for every such Offence as shall be by them, or any of them committed after, in the like Quality, shall be fined Five Hundred Pounds of like Tobacco and Cask, for every such Offence: Which Fines shall be levied by the Sheriff, upon the Estate of the Person or Persons so offending, by Virtue of a Warrant from a Justice of the Peace, for the Use of the Parish. And such Justice of the Peace that shall refuse or neglect to put this Law into severe Execution, shall be fined Five Hundred Pounds of Tobacco and Cask, to the Use of the Parish, for every such Neglect.

Persons causing Disturbance during Divine Service,

To be fined, first Offence, 200 lb. Tob. and every Offence thereafter, 500 lb. Tobacco.

Justices neglecting to put this Law in Execution, fined 500 lb. Tobacco.

C H A P. XIV.

(b) *An Act reviving and re-inforcing an Act made at James City, the Twentieth of October, 1665, and putting the same in due Execution.*

BE it Enacted, by the King's Most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby Enacted, by the Authority aforesaid, That the Eighth Act of Assembly, made at James City, the Twentieth of October, One Thousand Six Hundred Sixty Five, intituled, *An Act concerning Indians*, be, and is hereby revived and re-inforced, to the End the same be put in due and effectual Execution.

The Act 1665, to be put in Execution.

(a) *Memorandum.* That the Stile of all the Acts of this Session, except the first Three, was mistaken, and ought to have been in the Name of the Governor, Council, and Burgeses, and not in the Name of the King, as those were, which were proposed and sent over, under the Great Seal of England, by the King himself.

(b) *Vid.* Ch. 17. 1663, and Ch. 32. 1705; which has a general repealing Clause in it, but doth not altogether repeal these Three Acts; for which Reason they have been printed at large.

A. D. 1680.

C H A P. XV.

*An Act for the well clearing the Heads of the Rivers and Creeks from
Logs and Trees, for the more safe passing of Sloops and Boats. R E P.*

C H A P. XVI.

Additional Fees ascertained to County Clerks. E X P.

C H A P. XVII.

Repealed,
Ch. 4. 1686.

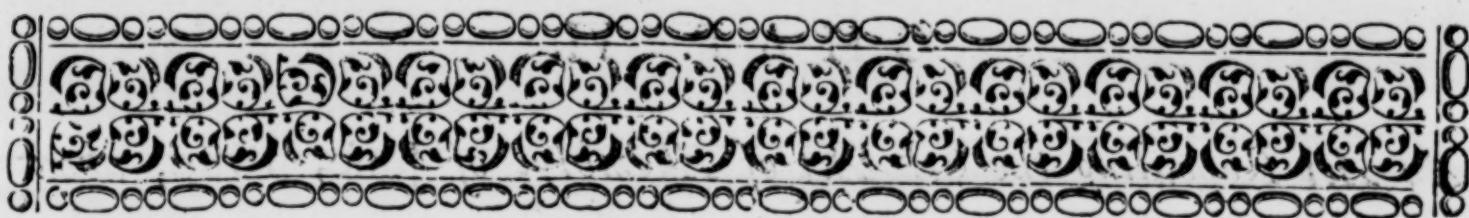
*An Act restraining striking and killing Fish at unseasonable Times.
R E P.*



Sign'd by Lord CULPEPER, Governor.

Thomas Ballard, Speaker.





At a GENERAL ASSEMBLY, begun at *James*
City, the Tenth Day of *November*, 1682;
and in the Thirty-Fourth Year of the Reign
of our Sovereign Lord CHARLES II. of
England, Scotland, France, and Ireland, King,
Defender of the Faith, &c.

Lord
CULPEPER,
Governor.

CHAP. I.

An Act to Repeal a former Law, making Indians, and Others,
Free. R E P.

Repealed,
Ch. 49. 1705.

CHAP. II.

An Act declaring Indian Women Servants Tithables. R E P.

Repealed,
Ch. 7. 1705.

CHAP. III.

An additional Act for the better preventing Insurrections by Negroes.
R E P.

Repealed,
Ch. 49. 1705.

CHAP. IV.

An Act prohibiting the Exportation of Iron, Wool, Wool-Fells, Skins,
Hides, or Leather. R E P.

Repealed
by Proclama-
tion, June 19,
1684.

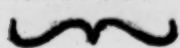
CHAP. V.

An Act directing how Commissions of Dedimus Potestatem, and
other Writs, shall issue. R E P.

Repealed,
Ch. 19. 1705.

CHAP.

A. D. 1682.



C H A P. VI.

Repealed,
by Proclama-
tion, June 19,
1684.

An Act Repealing the 6th Act of Assembly, of June, 1680, about Attornies. R E P.

C H A P. VII.

An Act disbanding the present Soldiers in Garrison in the Forts, at the Heads of the several Rivers; as also for the raising of other Forces in their Stead. E X P.

C H A P. VIII.

An Act imposing further Penalties upon any Person or Persons that shall publish or declare, that the Acts of Assembly of Virginia, are not of Force.

Preamble. I. **T**HIS Assembly taking into their serious Consideration, that divers ill-disposed Persons, wickedly intending to invalid the Laws of this Country, and bring them into Contempt and Dis-repute, have moved and stirred certain Doubts, whether there be any Laws in Force and Efficacy, so as to be binding to his Majesty's Subjects, being in this his Majesty's Dominion of *Virginia*. For preventing of such Miſchiefs,

Publication
by Words, or
Writing, that
the Acts of
Assembly of
Virginia, are
not of Force
within this
Colony.

1st Offence,
1000 lb. Tob.
& 1 Month's
Imprisonment
2d Offence,
2000 lb. To-
bacco, and 2
Months Im-
prisonment.
For every Of-
fence thereaf-
ter, the Fines
and Penalties
to be doubl'd,
over and a-
bove all other
legal Punish-
ments.

II. *BE it Enacted, by the Governor, Council, and Burgesſes of this General Assembly, and it is hereby Enacted and Declared, That if any Person or Persons shall, at any Time or Times after the publishing of this present Act, maliciously and advisedly utter, publish, and declare, by Words or Writing, that the Acts of Assembly of Virginia, not repealed, expired, vacated, or annulled, by the King's Most Excellent Majesty, are not of Force or Binding within this his said Majesty's Dominion, to all his Majesty's Subjects inhabiting, or being therein, such Person or Persons so offending, shall be adjudged, deemed, and taken, to be Factious and Seditious, and Contemnners of the Laws; and being thereof lawfully convicted, shall, for the first Offence, be fined One Thousand Pounds of Tobacco, and suffer One Month's Imprisonment, without Bail or Mainprize; and for the second Offence, Two Thousand Pounds of Tobacco, and Two Months Imprisonment; and for every such Offence after, double the Penalties and Forfeitures aforesaid; one Half of which Forfeitures to the King's Majesty, his Heirs and Successors, and the other Half to the Informer: To be recovered by Action of Debt, in any of his Majesty's Courts in this his Majesty's Country: Which said Penalties are to be added and imposed, over and besides all other Punishments, that may be legally inflicted on such Offenders.*

C H A P.

A. D. 1682.

C H A P. IX.

An Act Repealing an Exception in the Ninth Act of Assembly, made Anno 1664. R E P.

Repealed
by Proclama-
tion, June 19,
1684.

C H A P. X.

An Act that Witnesses be free from Arrests. R E P.

Repealed,
Ch. 19. 1705,

C H A P. XI.

An Act for the Encouragement of the Manufactures of Linen and Woolen Cloth. R E P.

Repealed,
Ch. 6. 1684.

C H A P. XII.

An Act for the Advancement of Manufacturies of the Growth of this Country; and for the better and more speedy Paiment of Debts and Levies. E X P.

Expired.
Revived,
Ch. 3. 1686.

C H A P. XIII.

An Act for the public Levy. E X P.



Sign'd by Lord CULPEPER, Governor.

Thomas Ballard, Speaker.



At

A. D. 1684.

The Lord
HOWARD, of
Effingham,
Governor.

At a GENERAL ASSEMBLY, begun at *James City*, the Sixteenth Day of *April*, in the Thirty-Sixth Year of the Reign of our Sovereign Lord CHARLES II. by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c; and in the Year of our Lord, 1684.

C H A P. I.

Repealed,
Ch. 19. 1705.

An Act for altering the Time of holding General Courts. R E P.

C H A P. II.

An Act for the better Preservation of the Peace of Virginia, and preventing unlawful and treasonable Associations.

Preamble,
reciting a Mu-
tiny of divers
Persons, to
cut up and de-
stroy all To-
bacco Plants,
Anno 1682.

I. **W**HEREAS many evil and ill-disposed Persons, Inhabitants of this his Majesty's Colony and Dominion of *Virginia*, contrary to their Duty and Allegiance, on or about the First Day of *May*, in the Thirty-Fourth Year of his Majesty's Reign, and divers other Days and Times, tumultuously and mutinously assembled and gathered together, to cut up and destroy all Tobacco Plants; and to perpetrate the same, in a traiterous and rebellious Manner, with Force and Arms, entered the Plantations of many of his Majesty's good Subjects of this his Colony, resolving by open Force, a general and total Destruction of all Tobacco Plants within this his Majesty's Dominion, to the hazarding the Subversion of the whole Government, and Ruin and Destruction of his Majesty's good Subjects, if, by God's Assistance, and the prudent Care and Conduct of the then Lieutenant-Governor, and Council, the Mutineers had not been timely prevented: For which Treasons and Rebellions against his Majesty, and this his Government, some notorious Actors have been indicted, convicted, and some of them executed, and suffered such Pains and Punishments, as for their Treasons and Rebellions they justly deserved. Now, to the End and Purpose, that none of his Majesty's Subjects may be at any Time hereafter seduced by the specious Pretences of any Persons, that such tumultuous and mutinous Assemblies, to cut up or destroy Tobacco Plants, or any other the Crops or Labours of the Inhabitants of the

the said Colony, are but Riots and Trespasses: And to the End, his Majesty's Subjects of this his Dominion, may be the better secured in their Estates and Possessions, the Burgesses of this present General Assembly pray that it may be Enacted,

II. *AND be it Enacted, by the Governor, Council, and Burgesses, of this Assembly,* That if any Person or Persons whatsoever, to the Number of Eight, or above, being assembled together, shall, at any Time after the First Day of June now next ensuing, intend, go about, practice, or put in use, with Force, unlawfully to cut or destroy any Tobacco Plants, either in Beds or Hills, growing within the said Colony; or to destroy the same, either curing or cured, either before the same is in Hogheads, or afterwards; or to pull down, burn, or destroy the Houses, or other Places, where any such Tobacco shall be; or to pull down the Fences or Inclosures of any Tobacco Plants, with Intent to cut up and destroy the same, (and such Person or Persons being commanded or required, in his Majesty's Name, by the Governor, or other Commander in Chief, or any one of the Council, or One or more of the Justices of the Peace of the said Colony, commanding and requiring such Persons to disperse themselves, and peaceably to depart to their Habitations,) shall continue together, by the Space of Four Hours after such Proclamation made, at or nigh the Place where such Persons shall be so assembled, that then every such Person, so willingly assembled, in forcible Manner, to do any of the Acts afore-mentioned, and so continuing together as aforesaid, and being thereof lawfully convicted, shall be deemed, declared, and adjudged to be Traitors, and shall suffer Pains of Death, and also lose and forfeit, as in Cases of High-Treason.

After 1 June, 1684, any Persons, to the Number of 8, or more, assembled together, forcibly to destroy Tobacco or Plants;

And who shall not disperse within 4 Hours after Proclamation made,

Every such Person declared guilty of High-Treason.

Proviso, Prosecution to be commenced within 12 Months.

III. *PROVIDED always,* That no Person or Persons whatsoever, shall incur the Pains and Penalties hereby inflicted, unless he or they be prosecuted and indicted thereupon, within Twelve Months after the Offence committed; any Thing herein contained to the contrary, notwithstanding.

CHAP. III.

An Act Repealing the Act concerning the Pursuit of Runaways.

CHAP. IV.

An Act for the better Supply of the Country with Arms and Ammunition. R E P.

Repealed by the several Acts concerning the Militia, An. 1709, and 1723.

CHAP. V.

An Act Repealing the 42d and 43d Act of the printed Laws; and for building Prisons in each County; and for ascertaining Rules to each Prison. R E P.

All Acts upon this Subject, repealed, Ch. 10. 1705.

A. D. 1684.

C H A P. VI.

An Act Repealing the Act giving Encouragements for the Linen and Woollen Manufacture.

C H A P. VII.

Repealed,
Ch. 9. 1686.

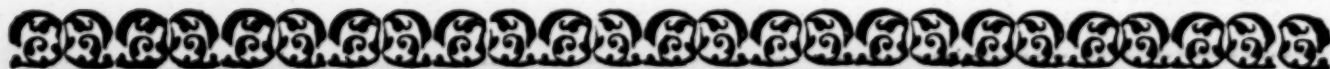
An Act for the better Defence of the Country. R E P.

C H A P. VIII.

An Act for lessening the Levies by the Poll, and laying an Imposition on Liquors. E X P.

C H A P. IX.

An Act for the Public Levy. E X P.

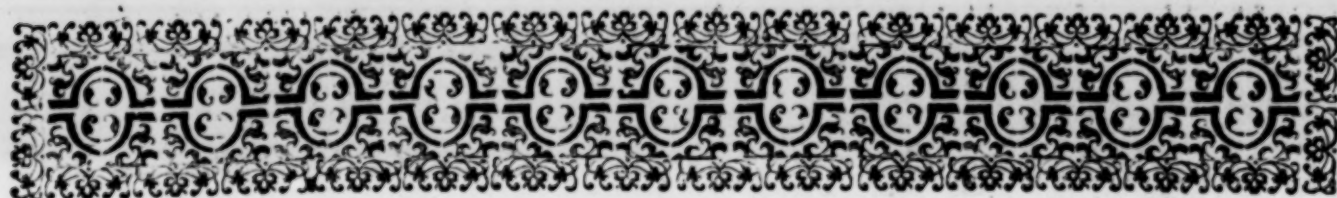


Signed by the Lord EFFINGHAM, Governor.

Edward Hill, Speaker.



At



Lord
EFFINGHAM,
Governor.

At a GENERAL ASSEMBLY, begun at *James* City, (a) the First Day of *October*, in the First Year of the Reign of our Sovereign Lord JAMES II. by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c; and in the Year of our Lord, 1685: And prorogu'd to the Second Day of *November* following, and thence continued, by several Prorogations, to the Twentieth Day of *October*, 1686.

CHAP. I.

An additional Act about Runaways. R E P.

Repealed,
Ch. 49. 1705.

CHAP. II.

*An Act declaring Maryland and North Carolina Debts plead-
able.* (b)

Useless.

CHAP. III.

*An Act reviving the Act, intituled, An Act for the Advancement
of Manufactures of the Growth of this Country, &c.* E X P.

CHAP. IV.

*An Act Repealing the 17th Act of Assembly made the 8th Day of
June, 1680.*

(a) This Assembly met at this Time, and being the same Day prorogued to the 2d Day of *November* following, *William Kendal* was chosen Speaker; and after sitting some Time, several Bills were prepared and offered to the Governor, but none passed.

(b) This Act was made when a Law subsisted, that no Foreign Debts should be recovered, unless they were contracted for Goods imported.

A. D. 1686.

C H A P. V.

Repealed,
Ch. 11. 1710.*An Act ascertaining Days for Courts in Accomack County.* R E P.

C H A P. VI.

An Act regulating the Tares of Tobacco Hogsheds. E X P.

C H A P. VII.

Repealed,
Ch. 4. 1696.*An Act declaring the 107th Act of Assembly, made the 23d Day of March, 1661-2, to be in Force.* R E P.

C H A P. VIII.

An Act for the better improving the Breed of Horses. E X P.

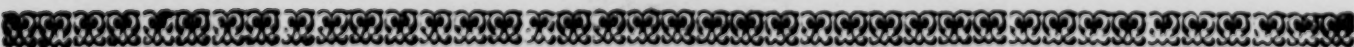
C H A P. IX.

An Act Repealing the 7th Act of Assembly, made at James City, the 16th Day of April, 1684.

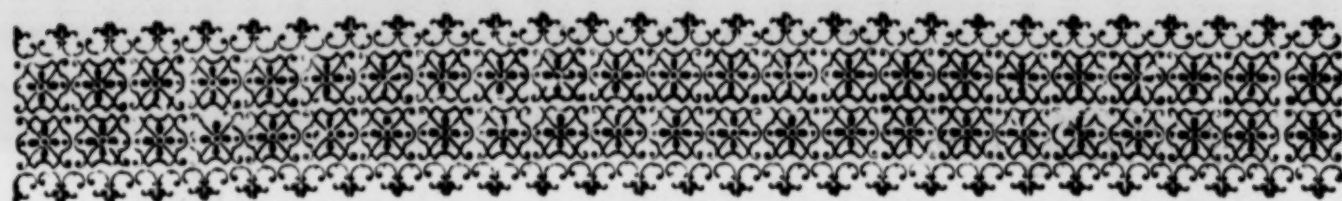
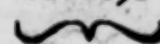
C H A P. X.

An Act continuing the Imposition upon Liquors. E X P.

C H A P. XI.

An Act for raising a Public Levy. E X P.
Signed by the Lord EFFINGHAM, Governor.

Arthur Allen, Speaker.



At a GENERAL ASSEMBLY, begun at *James* City, the Sixteenth Day of *April*, in the Third Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England, Scotland, France, and Ireland*, King and Queen, Defenders of the Faith, &c; and in the Year of our Lord, 1691.

FRANCIS NICHOLSON, Esq;
Lieutenant-Governor.

CHAP. I.

An Act giving Reward for killing of Wolves. R E P.

Repealed,
Ch. 16. 1705,
and Chap. 6.
1720.

CHAP. II.

An Act directing how Public Claims shall be certified for Allowances. R E P.

Repealed,
Ch. 8. 1705.

CHAP. III.

An Act prohibiting Ordinary-keepers to give Credit to Seamen, and others. R E P.

Repealed,
Ch. 40. 1705.

CHAP. IV.

An Act to prevent the casting of Ballast into Rivers and Creeks. R E P.

Repealed,
Ch. 27. 1705.

CHAP.

A. D. 1691.

C H A P. V.

Repealed,
Ch. 9. 1705.*An Act directing how Sheriffs and Collectors shall account for Public Dues.* R E P.

C H A P. VI.

An Act reviving the Act for Advancement of Manufacturies of the Growth of this Country, &c. E X P.

C H A P. VII.

An Act reviving the 6th Act of Assembly, made at James City, the 20th of October, 1686, regulating the Tares of Tobacco Hogsheads. E X P.Suspended,
Sess. 2. Ch. 1.
1692, until
their Majest-
ties Pleasure
should be
known there-
in.

C H A P. VIII.

An Act for Ports, &c.

C H A P. IX.

Repealed,
Ch. 52. 1705.*An Act for a Free Trade with Indians.* R E P.

C H A P. X.

Repealed,
Ch. 15. 1705.*An Act to prevent Horses running at large, and barking Fruit-Trees.* R E P.

C H A P. XI.

Repealed,
Ch. 1. 1696.*An Act for the more effectual suppressing the several Sins and Offences of Swearing, Cursing, prophaning God's Holy Name, Sabbath abusing, Drunkenness, Fornication, and Adultery.* R E P.

C H A P.

A. D. 1691.

C H A P. XII.

An Act declaring the Duty of Tanners, Curriers, and Shoemakers.

I. **F**ORASMUCH as divers and sundry Deceits and Abuses have been hitherto committed, and daily are committed and practised by the Tanners, Curriers, and Workers of Leather, of this their Majesties Colony and Dominion of *Virginia*, to the great Injury and Damage of the Inhabitants thereof: For Prevention of which for the future,

This Act was copied from several Parts of the Statute 1 Jac. C. 22. but several material Things relating to those Trades, are omitted.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and the Authority thereof, and it is hereby Enacted,* That from and after the Twenty-Ninth Day of *March* next coming, no Person or Persons whatsoever, which shall, after the said Twenty-Ninth Day of *March*, occupy or use, by him or themselves, or by any other Person or Persons, the Craft or Mistry of Tanning of Leather, shall suffer any Hide or Skin to lie in the Limes 'till the same be over-limed, nor shall put any Hides or Skins into any Tan-Fats, before the Lime be well and perfectly fokened and wrought out of them, and every of them; nor shall, after the said Twenty-Ninth Day of *March*, put to Sale any tanned Hides or Skins, but such as shall be first viewed, approved, and sealed, by the Viewers hereafter in this Act appointed, upon Forfeiture of such Hides, Skins, or Leather, so offered or put to Sale.

Duty of Tanners. Part of the 11th Sect. of the Statute.

III. *AND* forasmuch as no Leather can be so well tanned, but it may be marred and spoiled in the Currying, *Be it therefore Enacted by the Authority aforesaid, and it is hereby Enacted,* That from and after the said Twenty-Ninth Day of *March* next coming, no Person or Persons shall curry any kind of Leather, except it be well and perfectly tanned; nor shall, after the said Twenty-Ninth Day of *March* next, curry any Hide or Skin, not being thoroughly dry after his wet Season, with any other than good Stuff, nor with less of that than the Leather will receive; nor shall curry any kind of Leather meet for Over-Leather, and Inner Soles, but with good and sufficient Stuff, being fresh, and not salt, upon Pain of Forfeiture, for every such Offence, Ten Shillings to the Owner of each Hide or Skin so damnified.

Duty of Curriers. Part of the 22d Sect. of the Stat.

IV. *AND be it further Enacted by the Authority aforesaid, and it is hereby Enacted,* That the Court of each respective County for the Time being, shall appoint One or more fit Person or Persons, from Time to Time, to search and try all such Curried Leather; and shall, with a Seal therefore to be prepared with convenient Speed, after Currying and Request made, seal such Leather, as they shall find sufficiently curried, taking for every Hide so sealed after the Rate of Two Shillings Six Pence for the Dicker, or Ten Hides, and for every Six Dozen of Calve Skins Two Shillings and Six Pence, and no more; to be paid by the Owner of the said Hides or Skins.

County Courts to appoint Viewers of Leather. Part of the 27th S. of the Stat.

V. *AND* forasmuch as Leather, well tanned and curried, may, by the Negligence, Deceit, or evil Workmanship of the Cordwainer or Shoemaker, be used deceitfully, to the Hurt of the Occupier or Wearer thereof, *Be it therefore Enacted, by the Authority aforesaid, and it is hereby Enacted,* That no Person or Persons, which, after the said Twenty-Ninth Day of *March* next coming, shall occupy the Mistry or Occupation of a Cordwainer or Shoemaker, shall make, or cause to be made, any Boots, Shoes, Slippers, or any part of them, of *Virginia* Leather * not curried, other than Deer Skins, Calve

Duty of Shoemakers. Part of the 28th S. of the Stat.

* The Stat. is wet curried.

A. D. 1691.

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Calve Skins, or Goat Skins, made and dressed, or to be made and dressed, like unto *Spanish* Leather, but of Leather well and truly tanned and curried, in Manner and Form aforesaid, or of Leather well and truly tanned only, and well and substantially sewed with good Thread, well twisted and made, and sufficiently waxed with Wax, well rozin'd, and the Stiches hard drawn with Hand-Leathers.

Justices to
appoint and
swear Yearly,
Searchers.
Part of the 32
Seç. of the
Statute.

VI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Justices of each respective County within this Colony, shall appoint and swear Yearly, One or more Persons, of the most honest and skilful Men within their Counties, to search and view within the Precincts of their said Offices; which shall, as often as they shall think good, or Need shall be, make like Search within their Limits, and shall have a Mark or Seal prepared for that Purpose; and that the said Searchers, or One of them, shall keep the same Seal or Mark, and with the same, shall seal or mark such Leather, as they shall find sufficient, and no other; and if the said Searchers, or any of them, do find any Leather sold, or offered to be sold, which shall be tanned, wrought, converted, or used, contrary to the true Intent and Meaning of this Act, or any Leather insufficiently curried, or any Boots, Shoes, Bridles, or any other Thing made of tanned or curried Leather, insufficiently tanned, curried, or wrought, contrary to the Provision in this present Act, it shall be lawful to the said Searchers, or any of them, to seize all such Leather, Shoes, or other Wares, made of Leather, and to retain the same in their Custody until such Time that the same shall be tried by such Triers, and in such Manner and Form, as is hereafter in this Act appointed.

Triers to be
appointed.
Part of the
34th Seç. of
the Statute.

VII. *AND Be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Justices of each respective County, within whose Precincts any such Seizure of any kind of tanned Leather, red or curried, or of any Shoes, Boots, or other Wares, made of tanned Leather, shall happen to be, shall, with all convenient Speed, after Notice unto them given of any such Seizure, appoint Six honest and expert Men, to try whether the same Leather, Boots, or Shoes, or other Wares, so seized, be sufficient, and according to the true Intent and Meaning of this Act, or not; the same Trial to be made openly upon the next Court Day after such Seizure.

Penalty on
the Trier.

VIII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That each of the said Persons, so elected and appointed for the Trial of the said Leather, Shoes, Boots, and other Wares, made of tanned Leather, so to be seized, as aforesaid, shall proceed and do their Duties therein without Delay, according to the true Intent and Meaning of this present Act, upon Pain that every of them, making Default herein, shall be fined at the Discretion of the Court of the said County.

Forfeiture of
a Searcher
omitting his
Duty, or ta-
king Bribes.
Part of the
37th Seç. of
the Statute.

IX. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any Searcher or Sealer of Leather shall refuse, with convenient Speed, to seal any Leather sufficiently tanned, wrought, or used, according to the true Meaning of this present Act, that then every such Searcher or Sealer shall forfeit, for every such Offence, Forty Shillings; and further, if any Searcher of Leather shall receive any Bribe, or exact any other Fee for the Execution of his said Office, than is by this present Law limited for the searching and sealing of Leather, then every such Searcher or Sealer so offending, shall forfeit for every such Offence, Twenty Pounds *Sterling*; and that if any Person or Persons, duly elected, according to the true Meaning of this present Act, to and for the Execution of the said Office of searching or seal-

ing

ing of Leather, refuse to execute the said Office, that then the Person or Persons so refusing, shall forfeit and pay Five Pounds *Sterling*. A. D. 1691.

X. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Person will, after the said Twenty-Ninth Day of *March* next coming, wilfully withstand or deny any such Search to be made; according to the Tenor of this Act, as is aforesaid; or will not suffer the said Triers and Searchers so appointed, to enter into his or their House or Houses, or other Places, to view and search at their Will and Pleasure, all manner of tanned Leather, and all manner of Shoes, Boots, Mails, Saddles, and all manner of Wares wrought and made, or to be wrought and made of Leather, and to seize and carry away all such Leather, Shoes, and Wares, as they shall find insufficiently tanned, curried, or wrought, or made of ill Stuff, that then all and every such Person and Persons, so denying and withstanding, and not suffering the said Triers and Searchers, or any of them, so appointed for the Time being, to enter and make Search and Seizure, as is aforesaid, shall lose and forfeit, for every Time so denying and withstanding, Five Pounds *Sterling*.

The Penalty for denying of Search, or Seizure of insufficient Wares. Part of the 40th Sect. of the Statute.

XI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That it shall not be lawful for any Person or Persons to buy, sell, or exchange, any tanned Leather, before the same shall be searched or sealed, upon Pain to forfeit the said Leather, and the Value thereof, so bought, sold, or exchanged, and not searched and sealed.

Penalty for selling of tanned Leather, not searched and sealed. 42d Sect. of the Stat.

XII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Currier, after the said Twenty-Ninth Day of *March* next coming, do currier any Leather insufficiently tanned; or, after the said Twenty-Ninth Day of *March*, do not currier such Leather, as he doth, substantially and well, according to the Meaning and Purport of this Act; or if any Shoemaker, Cordwainer, or Cobbler, after the said Twenty-Ninth Day of *March*, put any tanned Leather into any Shoes, Boots, Slippers, or other Things, made of tanned Leather, which shall not be well and perfectly tanned, according to the Purport and true Meaning of this Act; or, after the said Twenty-Ninth Day of *March*, do put any curried Leather into any Boots, Shoes, Slippers, or other Things, made of Leather, which shall not be well and sufficiently tanned and curried, and also sealed, as aforesaid, or do make Boots, Shoes, Slippers, or other Things, made of tanned Leather, in any other Manner than is above specified and ordained; or if any Shoemaker, Sadler, or other Artificer, using, cutting, or working of Leather, do make any Wares of any tanned Leather insufficiently tanned, or of tanned and curried Leather, being not sufficiently tanned and curried, as is aforesaid, or do not make their Wares, belonging to their several Occupations, sufficiently and substantially, that then every Person so offending, shall forfeit, for every such several Offence or Default, the said Wares, and the just Value thereof: All which Pains, Penalties, and Forfeitures aforesaid, of Sums of Money aforesaid, shall be divided into Three equal Parts, One Part thereof shall be to our Sovereign Lord and Lady, the King and Queen, their Heirs and Successors, towards the better Support of the Government of this their Majesty's Colony and Dominion of *Virginia*, and the contingent Charges thereof; and another Third Part thereof to him or them that shall first sue for the same, in any Court of Record within this Colony, by Action of Debt, Bill, Complaint, or Information, or otherwise, in which Suit, no *Effoin*, Protection, or Wager of Law, shall be admitted or allowed; and the other Third Part thereof shall be disposed of by the Court of such County where the Offence shall be committed, towards the building, erecting, and supporting an House

Penalty of the Currier or Cordwainer, not doing his Duty. 44th Sect. of the Stat.

How the Penalties and Forfeitures shall be distributed.

A. D. 1696.

of Correction. And all such Leather, Shoes, Boots, Slippers, Wares, Stuff, or other Things whatsoever, made of tanned Leather, or curried Leather, which shall be seized by Virtue of this Act, and shall be found by the Triers to be appointed, as aforesaid, to be insufficient, shall be forfeited and distributed, as hereafter followeth; that is to say, such Leather or Stuff so seized, to be brought to the Court-house of the County where such Seizure shall be made, there to be appraised by indifferent Persons, and the Value thereof to be divided into Three Parts, whereof One to be to their Majesties, their Heirs and Successors, towards the better Support of the Government, and the contingent Charges thereof; and another Third Part to the first Seizer or Seizers of the said unlawful Stuff; and another Part to be disposed of by the Court of such County where such Seizure shall be made, towards the building, erecting and supporting an House of Correction.

What shall
be reputed
Leather. 49
Señ. of the
Statute.

XIII. AND for the avoiding all Ambiguities and Doubts, which may and do grow and arise upon the Definition and Interpretation of this Word Leather, *Be it Enacted and Declared*, That the Hides and Skins of Ox, Steer, Bull, Cow, Calf, Deer, Goat, and Sheep, being tanned, shall be, and ever hath been, reputed, and taken Leather.

C H A P. XIII.

An Act enjoining the planting and dressing of Flax and Hemp.
E X P.

C H A P. XIV.

Repealed,
Ch. 13. 1710.

An Act for the Alteration of the Time for processioning of Land.
R E P.

C H A P. XV.

Repealed,
Ch. 1. 1692.

An Act for the better Defence of the Country. R E P.

C H A P. XVI.

Repealed,
Ch. 49. 1705.

An Act for suppressing out-lying Slaves. R E P.

C H A P.

C H A P. XVII.

An Act for lessening the Levy by the Poll, and laying an Imposition on Liquors. E X P.

C H A P. XVIII.

An Act appointing a Treasurer. E X P.

C H A P. XIX.

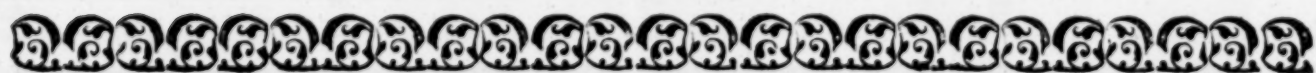
An Act for dividing New-Kent County. P R I V.

C H A P. XX.

An Act for dividing Lower-Norfolk County. P R I V.

C H A P. XXI.

An Act for raising a Public Levy. E X P.



Sign'd by FRANCIS NICHOLSON, Esq; Governor.

Thomas Milner, Speaker.



A. D. 1692.



At a GENERAL ASSEMBLY, begun at *James* City, the Sixteenth Day of *April*, in the Third Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England, Scotland, France, and Ireland*, King and Queen, Defenders of the Faith, &c; and in the Year of our Lord, 1691: And thence continued, by Prorogation, to the First Day of *April*, 1692; in the Fourth Year of their Majesties Reign, being the Second Session of this present General Assembly.

C H A P. I.

An Act for the better Defence of the Country, E X P.

C H A P. II.

Repealed,
Ch. 13. 1710,

An Act for Confirmation of Lands. R E P.

C H A P. III.

Repealed,
Ch. 11. 1705,
and Chap. 4.
1723.

An Act for the more speedy Prosecution of Slaves committing Capital Crimes. R E P.

C H A P. IV.

Repealed,
Ch. 34. 1705.

An Act about Physicians and Chirurgeons Accounts. R E P.

C H A P.

A. D. 1691.

C H A P. V.

An Act for the dividing Rappahanock County. P R I V.

C H A P. VI.

An Act for altering the Day for Princess-Anne County Court.
R E P.

Repealed;
Ch. 11. 1710.

C H A P. VII.

An Act for raising a Public Levy. E X P.

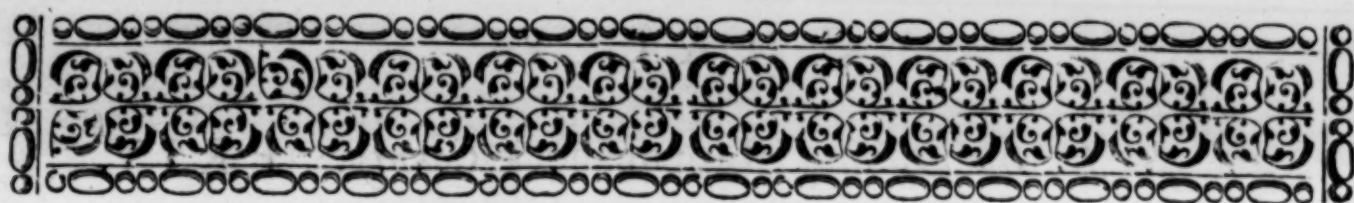
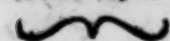
Sign'd by FRANCIS NICHOLSON, Esq; Governor.

Thomas Milner, Speaker.



At

A. D. 1692.



Sir EDMUND
ANDROS, GO-
VERNOR.

At a GENERAL ASSEMBLY, begun at *James* City, the Second Day of *March*, in the Fifth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England, Scotland, France, and Ireland*, King and Queen, Defenders of the Faith, &c; and in the Year of our Lord, 1692.

This Act sus-
pended the
Act for Ports,
1691, 'till
their Majes-
ties Pleasure
should be
known, or the

C H A P. I.

An Act for suspending the Execution of the Acts for Ports.

next Assembly, and nothing done about it.

C H A P. II.

An Act concerning Indians Hogs. R E P.

Repealed,
Ch. 52. 1705.

C H A P. III.

An Act for giving Encouragement to erect Fulling Mills.

Obsolete.

C H A P. IV.

Repealed,
Ch. 13. 1699.

An Act for ascertaining the Price of coasting Cocquets, and requiring Officers Attendance. R E P.

C H A P.

C H A P. V.

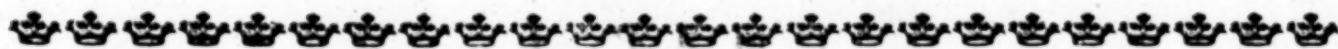
*An Act for the encouraging the erecting of a Post-Office in this
Country. E X P.*

C H A P. VI.

*An Act for continuing the Rangers at the Heads of the Four
great Rivers. E X P.*

C H A P. VII.

An Act for a raising a Public Levy. E X P.



Sign'd by Sir EDMUND ANDROS, Governor.

Thomas Milner, Speaker.



At

A. D. 1693.



Sir EDMUND
ANDROS, GO-
VERNOR.

At a GENERAL ASSEMBLY, begun at *James* City, the Tenth Day of *October*, in the Fifth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England, Scotland, France, and Ireland*, King and Queen, Defenders of the Faith, &c; *Annoq; Domini 1693.*

C H A P. I.

An Act appointing Rangers on the Frontiers of the Four great Rivers. E X P.

C H A P. II.

An Act for the Encouragement of the Manufacture of Linen Cloth. E X P.

C H A P. III.

Had its Ef-
fect.

An Act ascertaining the Place for erecting the Colledge of William and Mary, in Virginia. P R I V.

C H A P. IV.

Repealed,
& re-enacted,
Ch. 29. 1705.

An Act laying an Imposition upon Skins and Furrs, for the better Support of the Colledge of William and Mary, in Virginia. R E P.

C H A P.

C H A P. V.

An Act for raising a Public Levy. E X P.



Signed by Sir EDMUND ANDROS, Governor.

Thomas Milner, *Speaker.*



A. D. 1695.



Sir EDMUND
ANDROS, Go-
vernour.

At a GENERAL ASSEMBLY, begun at *James*
City, the Eighteenth Day of *April*; in the
Seventh Year of the Reign of our Sovereign
Lord and Lady WILLIAM and MARY,
by the Grace of God, of *England, Scotland,*
France, and Ireland, King and Queen, Defen-
ders of the Faith, &c. *Annoq; Dom. 1695.*

C H A P. I.

An Act appointing Rangers at the Heads of the Four great Rivers.
E X P.

C H A P. II.

An Act for enlarging the Bounds of Princess-Anne County. P R I V.

C H A P. III.

An Act for lessening the Poll, and laying an Imposition upon
Liquors. E X P.

C H A P. IV.

*An Act empowering the Governor, with the Advice of the Coun-
cil, to apply Five Hundred Pounds Sterling, out of the Im-
position upon Liquors raised this Assembly, to the Assistance and
Preservation of New-York, if found necessary.* E X P.

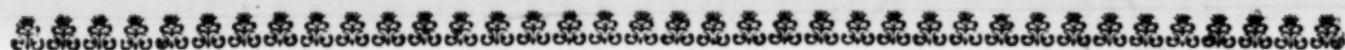
C H A P.

C H A P. V.

*An Act for reviving the 7th Act of Assembly, made at James City,
the 16th Day of April, 1691; and for the ascertaining the Size
of Tobacco Hogsheads. E X P.*

C H A P. VI.

An Act for raising a Public Levy. E X P.

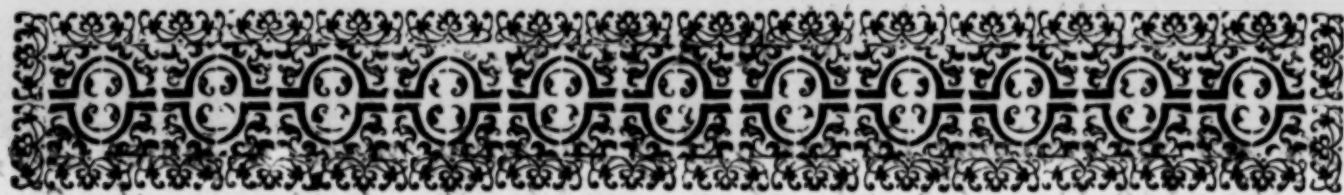


Signed by Sir EDMUND ANDROS, Governor.

Philip Ludwell, Speaker.

N. B. There was another Session of this Assembly held the 23d of April, 1696, in the 8th Year of the King's Reign, but no Laws passed.





Sir EDMUND
ANDROS, GO-
VERNOR.

At a GENERAL ASSEMBLY, begun at *James City*, the Twenty-Fourth Day of *April*, in the Eighth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England, Scotland, France, and Ireland*, King and Queen, Defenders of the Faith, &c; and in the Year of our Lord, 1696.

CHAP. I.

Repealed,
Ch. 30. 1705,
and provided
for.

An Act for Punishment of Fornication, and several other Sins and Offences. REP.

CHAP. II.

An Act for altering the Court Days in Accomack County. PRIV.

CHAP. III.

Repealed,
Ch. 16. 1705,
and Chap. 6.
1720.

An Act for giving a Reward to Indians for killing of Wolves.
REP.

CHAP. IV.

An Act for repealing the Prohibition of planting Tobacco after the last Day of June, Annually.

CHAP.

A. D. 1696.

CHAP. V.

An Act for ascertaining Damages upon Appeals. REP.

Repealed,
Ch. 19. 1705.

CHAP. VI.

An Act for imposing Penalties upon the Non-appearance of Evidences. REP.

Repealed,
ibid.

CHAP. VII.

An Act declaring how long Judgments and Specialties shall be pleadable. REP.

Repealed,
Ch. 34. 1705.

CHAP. VIII.

An Act for ascertaining the Place where the Court for York County shall be kept. PRIV.

CHAP. IX.

An Act for ascertaining the Gauge of Pork, Tar, and other Barrels. REP.

Repealed,
Ch. 6. 1705.

CHAP. X.

An Act for Prevention of clandestine Marriages. REP.

Repealed,
Ch. 48. 1705.

CHAP. XI.

An Act for the better Support and Maintenance of the Clergy. REP.

Repealed,
Ch. 6. 1727.

CHAP.

A. D. 1696.

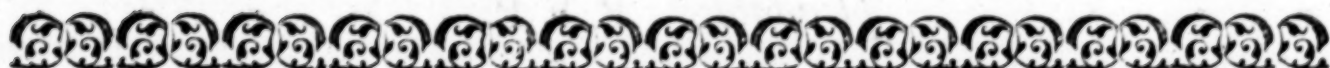
C H A P. XII.

An Act for regulating and ascertaining County Clerks Fees. E X P.

C H A P. VIII.

*An Act appointing Rangers at the Heads of the Four great Rivers.
E X P.*

C H A P. XIV.

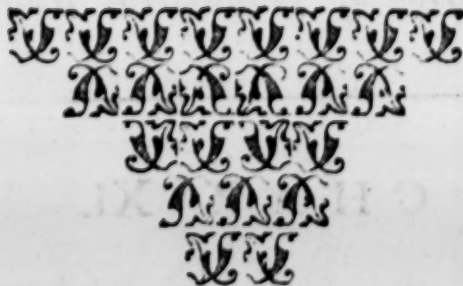
An Act for raising a Public Levy. E X P.

Sign'd by Sir EDMUND ANDROS, Governor.

Robert Carter, Speaker.

Memorandum. That this Assembly was continued by several Adjournments, to the 21st Day of October, 1697; and then met and passed only one Act for raising a Public Levy, and was dissolved.

Memorandum. That a General Assembly was begun and held at James City, the 28th Day of September, in the Tenth Year of the Reign of King William, Anno 1698; and continued to the 6th Day of October, following. William Randolph being Speaker. And then the Governor sent for the House of Burgesses, and told them he was concerned, upon the Occasion of an Act of Parliament, to dissolve the Assembly; and it was dissolved accordingly, without doing any Business. Quære, What Act of Parliament this was?





At a GENERAL ASSEMBLY, begun at *James*
City, the Twenty-Seventh Day of *April*; in
the Eleventh Year of the Reign of our Sove-
reign Lord WILLIAM III. by the Grace
of God, of *England, Scotland, France, and*
Ireland, King, Defender of the Faith, &c.
Annoq; Domini 1699.

FRANCIS NI-
CHOLSON, Esq;
Governor.

CHAP. I.

*An Act for the more effectual suppressing of Blasphemy, Swearing,
Cursing, Drunkenness, and Sabbath breaking. REP.*

Repealed,
Ch. 30. 1705,
and provided
for.

CHAP. II.

An Act for Prevention of undue Election of Burgesses. REP.

Repealed,
Ch. 2. 1705.

CHAP. III.

An Act to prevent the Discontinuance of Courts and Process. REP.

Repealed,
Ch. 19. 1705,
and Chap. 11.
1710.

CHAP. IV.

An Act for regulating Juries. REP.

Repealed,
Ch. 32. 1705.

CHAP.

A. D. 1699.

CHAP. V.

An Act for the restraining and punishing of Pirates and Privateers. (a)

CHAP. VI.

Repealed,
Ch. 14. 1705.

An Act for the Punishment of Slaves for the first and second Offence of Hog-stealing. R E P.

CHAP. VII.

Repealed,
Ch. 50. 1705.

An Act prohibiting the unseasonable killing of Deer. R E P.

CHAP. VIII.

An Act appointing a Committee for the Revival of the Whole Body of the Laws of this Colony. E X P.

CHAP. IX.

An Act prohibiting the Exportation of Indian Corn. E X P.

CHAP. X.

An Act for confirming Titles to Town Lands. (b)

(a) After the making of this Act, at a Session of Parliament held the 16th of November, 1699, in the 11th Year of the Reign of William 3. an Act passed for the more effectual Suppression of Piracy, which was to be in Force for 7 Years; and from thence, to the End of the next Session of Parliament. And by the 5th of Queen Anne, cap. 34, was continued for 7 Years longer; and from thence to the End of the next Session of Parliament. And by the 1st of George 1. cap. 25. was revived, and to be in Force during the Continuance of that Act, which was for 5 Years, and to the End of the next Session of Parliament; and was made perpetual, by the 6th of George 1. cap. 19. whereby a new Method was establish'd for Trial of Pirates in the Plantations. And by the same Act, the 4th of George 1. cap. 11, and the 8th of George 1. cap. 24. the Law as to Pirates is fully settled and declared, therefore this Act of Assembly is either of no Use, or become Null.

(b) This Act was re-enacted almost Verbatim, in the 44th Chapter, Anno 1705, only Two Provisos in this Act, for vesting Lands purchased, pursuant to the Act for Ports, in the Trustees, altho' the same had not been convey'd by the Proprietors; and for giving Twelve Months Time to build upon Lots, are omitted; So that it need not be printed at large.

C H A P. XI.

An Act for lessening the Levy by the Poll, and laying an Imposition upon Liquors, for and towards the building the Capitol, and other Public Uses. E X P.

C H A P. XII.

An Act for laying an Imposition upon Servants and Slaves imported into this Country, towards building the Capitol. E X P.

C H A P. XIII.

An Act ascertaining Collectors and Naval Officers Fees. R E P.

Repealed,
Ch. 17. 1705.

C H A P. XIV.

An Act directing the building the Capitol, and the City of Williamsburg. (a)

C H A P. XV.

An Act appointing a Treasurer. E X P.

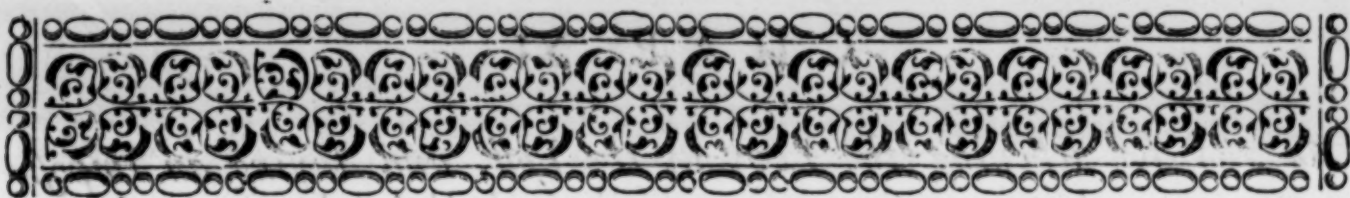
C H A P. XVI.

An Act for raising a Public Levy. E X P.

Sign'd by FRANCIS NICHOLSON, Esq; Governor.

Robert Carter, Speaker.

(a) This Act is recited Verbatim in the 43d Chapter, Anno 1705, and declared to be in Force, and several Clauses are added, for the better Execution thereof; therefore it need not be printed at large.



At a GENERAL ASSEMBLY, begun at His Majesty's Roial College of *William and Mary*, adjoining to the City of *Williamsburg*, the Fifth Day of *December*, Anno Domini 1700.

CHAP. I.

An Act for continuing the Act prohibiting the Exportation of Indian Corn. EXP.

CHAP. II.

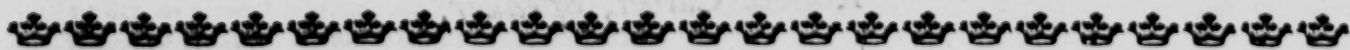
An Act making the French Refugees, inhabiting at the Manakin Town, and the Parts adjacent, a distinct Parish by themselves, and exempting them from the Paiment of the Public and County Levies for Seven Years. PRIV.

CHAP. III.

An Act for the more effectual and speedy carrying on the Revision of the Laws. EXP.

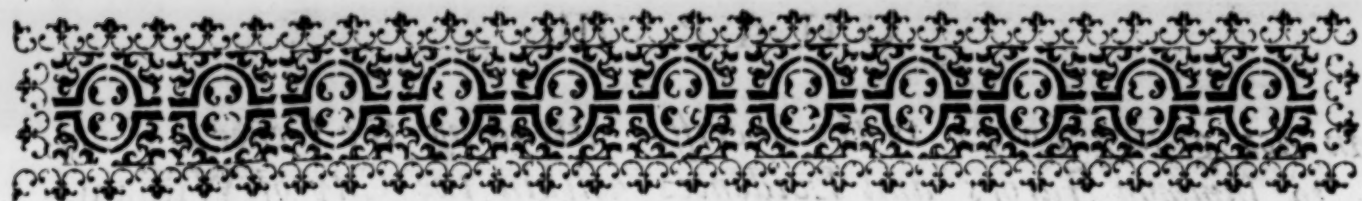
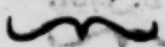
CHAP. IV.

An Act for raising a Public Levy. EXP.



Signed by FRANCIS NICHOLSON, Esq; Governor.
Peter Beverley, Speaker.

At



At a GENERAL ASSEMBLY, begun at His Majesty's Roial College of *William and Mary*, adjoining to the City of *Williamsburg*, the Fifth Day of *December*; in the Twelfth Year of the Reign of our Sovereign Lord WILLIAM III. of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c; *Annoq; Dom. 1700.* And thence continued, by several Prorogations, to the Sixth Day of *August*, 1701; and in the Thirteenth Year of His Majesty's Reign; being the Second Session of this present General Assembly.

FRANCIS NICHOLSON, Esq;
Governor.

CHAP. I.

An Act for the better strengthening the Frontiers, and discovering the Approaches of an Enemy. (a)

CHAP. II.

An Act for the more effectual apprehending an out-lying Negro, who hath committed divers Robberies and Offences. E X P.

(a) Part of this Act gave Encouragement to such People as should settle and inhabit the Frontiers in Cohabitations and Towns; but was never put in Execution, and is now become of no Use: And the rest of it has been provided for, from Time to Time, by a Temporary Act, for Security and Defence of the Country in Times of Danger, Anno 1705; which was frequently revived and continued. Vide Chap. 5. 1727.

A. D. 1701.

C H A P. III.

Repealed,
Ch. 20. 1705.

An Act giving Power to the Sheriffs, attending the General Court, to summon Jurors and Evidences within the City of Williamsburg, and half a Mile round the same. R E P.

C H A P. IV.

An Act for dividing King and Queen County. P R I V.

C H A P. V.

An Act continuing the Acts laying Impositions upon Liquors, Servants, and Slaves, until the 25th of December, 1703. E X P.

C H A P. VI.

An Act giving further Directions in building the Capitol, and for building a Public Prison. E X P.



*Signed by FRANCIS NICHOLSON, Esq; Governor.
Peter Beverley, Speaker.*





At a GENERAL ASSEMBLY, begun at His Majesty's Roial College of *William and Mary*, adjoining to the City of *Williamsburg*, the Fifth Day of *December*; in the Twelfth Year of the Reign of our Sovereign Lord WILLIAM III. of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c; *Annoq; Dom. 1700.* And thence continued, by several Prorogations, to the Thirtieth Day of *May, 1702*; in the Fourteenth Year of His Majesty's Reign; being the Third Session of this present General Assembly.

CHAP. I.

An Act for the continuing, meeting, and sitting of General Assemblies, in Case of the Death or Demise of His Majesty, his Heirs and Successors.

Re-enacted,
Ch. 28. 1705.

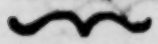
CHAP. II.

An Act to prevent Masters of Ships or Vessels running away, after Embargos are laid. R E P.

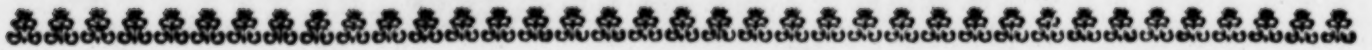
Repealed,
Ch. 47. 1705.

CHAP.

A. D. 1702.



An Ordinance of Assembly for settling the dividing Lines between the Counties of Isle of Wight, Charles-City, and Nansemond, on the South Side the Black Water Swamp. P R I V.



Signed by FRANCIS NICHOLSON, Esq; Governor.

Peter Beverley, Speaker.



At

At a GENERAL ASSEMBLY, begun at Her Majesty's Roial College of *William and Mary*, adjoining to the City of *Williamsburg*, the Fifth Day of *December*; and in the Twelfth Year of the Reign of His late Majesty, King WILLIAM III. of blessed Memory: And thence continued, by several Prorogations, to the Fourteenth Day of *August*; in the First Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *England, Scotland, France, and Ireland*, Queen, Defender of the Faith, &c. *Annoq; Dom. 1702*; being the Fourth Session of this present General Assembly.

C H A P. I.

An Act for the Regulation and Settlement of Ferries, and Dispatch of Public Expresses, and for the speedy transporting of Forces over Rivers and Creeks in Time of Danger. R E P. Repealed,
Ch. 53. 1705.

C H A P. II.

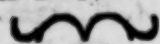
An Act for dividing Charles-City County. P R I V.

C H A P. III.

An Act prohibiting Seamen being harboured or entertained on Shore. Provided for,
Ch. 13. 1710.

C H A P.

A. D. 1702.



C H A P. IV.

An Act for raising a Public Levy. E X P.

An Ordinance for Defence of the Country, in Times of Danger.
E X P.*Signed by* FRANCIS NICHOLSON, *Esq;* Gvoernor.Peter Beverley, *Speaker.*

At



At a GENERAL ASSEMBLY, summoned to meet at Her Majesty's Roial College of *William and Mary*, adjoining to the City of *Williamsburg*, (a) the Seventeenth Day of *March*; in the Second Year of the Reign of our Sovereign Lady ANNE, Queen of *England, Scotland, France, and Ireland, &c.* And by Prorogation, begun on the Nineteenth Day of the said Month of *March*, 1702: And thence continued, by several Prorogations, to the Twentieth Day of *April*, 1704; in the Third Year of Her Majesty's Reign; and thence, by a Prorogation, to meet at Her Majesty Queen ANNE'S Roial Capitol, the Day following; being the Second Session of this present General Assembly.

CHAP. I.

An Act to repeal the Second Act of Assembly, made in the Year 1664, intituled, An Act for the Frontiers to be seated with Four able Hands.

CHAP. II.

An Act to prevent Indians hunting and ranging upon patented Lands. R. E. P.

Repealed,
Ch. 25. 1705.

(a) N. B. The First Session of this Assembly, begun the 19th Day of *March*, 1702, and continued to the 10th Day of *April*, 1703, during which Time they were employed in debating upon her Majesty's Letter for contributing Men and Money for *New-York*; which was refused, and no Act passed.

A. D. 1704.

C H A P. III.

Repealed,
Ch. 46. 1705.*An Act for taring and ascertaining the Size of Tobacco Hogsheads.*
R E P.

C H A P. IV.

*An Act reviving the Impositions on Liquors, Servants, and Slaves,
for One Year, and no longer.* E X P.

C H A P. V.

An Act appointing a Treasurer. E X P.

C H A P. VI.

Repealed,
Ch. 38. 1705.*An Act for removing Criminals from the Goals of the Counties
where they shall be apprehended, to the Public Goal at Williams-
burg.* R E P.

C H A P. VII.

Repealed,
Ch. 40. 1705.*An Act for allowing a greater Number of Ordinaries.* R E P.

C H A P. VIII.

Part repeal-
ed by Ch. 15.
1705, and the
rest provided
for by Ch. 8.
1713.*An Act reviving the Act for the better improving the Breed of
Horses, and for restraining unruly Horses.* R E P.

C H A P. IX.

An Act for raising a Public Levy. E X P.

C H A P.

C H A P. X.

An Act for dividing Sittenburn Parish. P R I V.

C H A P. XI.

An Act for dividing St. Peter's Parish, in New-Kent County.
P R I V.

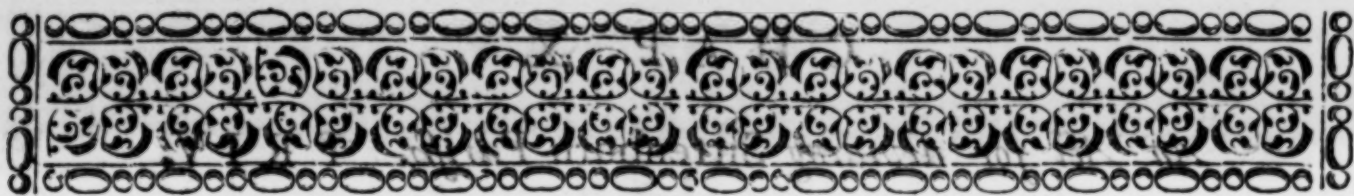
*An Ordinance of Assembly for Defence of the Country in Time of
Danger.* E X P.

*An Ordinance empowering Mr. Henry Cary to make Sale of the
Country Houses in the City of Williamsburg.* P R I V.

Signed by FRANCIS NICHOLSON, Esq; Governor.
Peter Beverley, Speaker.



A. D. 1704.



At a GENERAL ASSEMBLY, summoned to meet at Her Majesty's Roial College of *William and Mary*, adjoining to the City of *Williamsburg*, the Seventeenth, and begun the Nineteenth of *March*, 1702; in the Second Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *England, Scotland, France, and Ireland*, Queen, Defender of the Faith, &c. And thence, by several Prorogations, continued and held at Her Majesty's Roial Capitol, the Eighteenth Day of *April*, 1705; in the Fourth Year of Her Majestys Reign; being the Third Session of this Assembly.

C H A P. I.

An Act permitting the exporting and disposing of Tobacco in old Casks. E X P. (a)

C H A P. II.

An Act for raising a Public Levy. E X P.

C H A P. III.

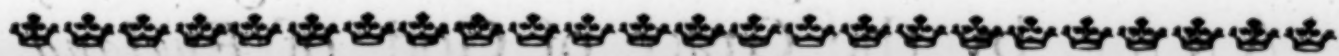
An Act empowering the Court of King and Queen County, to purchase Land for a Town.

(a) This Act had Relation to an Act passed the last Session, for taxing and ascertaining the Size of Tobacco Hogsheads.

CHAP. IV.

*An Act for the Naturalization of Claude Philip de Richbourg,
Francis Ribot, Peter Faurr, John Joanny, James Champaine,
and Others. PRIV.*

*An Ordinance of Assembly for Defence of the Country in Times of
Danger.*



Signed by FRANCIS NICHOLSON, Esq; Governor.

Peter Beverley, Speaker.



At

A. D. 1705.



EDWARD
NOTT, Esq;
Governor.

At a GENERAL ASSEMBLY, begun at the Capitol, in the City of *Williamsburg*, the Twenty-Third Day of *October*; in the Fourth Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *England, Scotland, France, and Ireland*, Queen, Defender of the Faith, &c. *Annoq; Dom. 1705.*

CHAP. I.

An Act for laying an Imposition upon Liquors and Slaves. EXP.

CHAP. II.

An Act for regulating the Elections of Burgesses; for settling their Privileges; and for ascertaining their Allowances.

The Freeholders of every County to elect Two Burgesses.

And the Freeholders of James City, One Burgess.

The Manner of electing Burgesses.

Writs for Elections to be sign'd by the Governor, & delivered to the Secretary.

I. **B**E it Enacted and Declared, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted and Declared, by the Authority of the same, That the Freeholders of every County that now is, or hereafter shall be in this Dominion, now have, and hereafter shall have the Privilege and Liberty of electing and choosing Two of the most fit and able Men of such County respectively, to be present, and to act and vote in all General Assemblies, which, from Time to Time, and at any Time hereafter, shall be held within this Dominion; and also, that the Freeholders of *James City* shall have the Liberty of electing and choosing one Burgess, to be present, act, and vote in the General Assembly, as aforesaid.

II. AND for the more regular and legal electing of the said Burgesses in all Time coming, *Be it Enacted, by the Authority aforesaid*, That the following Rules and Methods shall be observed, (*to wit,*) That the Writs for electing the said Burgesses shall be signed by the Governor, or Commander in Chief of this Dominion for the Time being, with the Seal of the Colony affixed to them, and shall be delivered to the Secretary, at least, Forty Days before the Day appointed for the General Assembly to begin, to be by him

trans-

transmitted to the Sheriffs of the respective Counties: That the Secretary shall cause the said Writs to be safely conveyed and delivered to the several Sheriffs of each respective County, within Ten Days after the Date of such Writs: That every Sheriff in Tree Days after he receives any such Writ, shall cause one Copy thereof to be delivered to every Minister and Reader of the several Parishes in his County; upon every one of which said Copies, shall be indorsed by the Sheriff, the Time and Place by him appointed for the Election of Burgesses, which shall always be made at the Place where the County Court is accustomed to be held, at least, Twenty Days after the Sheriff shall have received the Writ: That after the Receipt of such Copy and Indorsement, the Minister or Reader as aforesaid, shall publish the same after Divine Service, in the Church or Chapel where they, or either of them officiate, upon every *Sunday* that shall be between the Receipt of such Copy, and the Day appointed for the Election of Burgesses; and after such Publication, the Minister or Reader shall return the said Copy to the Sheriff, with a Certificate of the Publication thereof, and of the Time and Place of the Election. And if at any Time hereafter, the Secretary of this Dominion for the Time being, shall fail to cause the Writs for electing of Burgesses, to be safely conveyed and delivered to the several Sheriffs as aforesaid, he shall forfeit and pay the Sum of Forty Pounds Current Money; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to such Person or Persons as will inform and sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Complaint, or Action of Debt, wherein no Effoin, Protection, or Wager of Law, Privilege, or any more than one Imparance shall be allowed. And if at any Time hereafter, the Sheriff of any County within this Dominion, shall fail to cause to be delivered one fair Copy of any Writ for Election of Burgesses, with an Indorsement thereupon as aforesaid, unto every Minister and Reader as aforesaid, within his County respectively, in such Time as is before directed, such Sheriff shall forfeit and pay the Sum of Two Thousand Pounds of Tobacco; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to such Person or Persons as will inform and sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Complaint, or Action of Debt, wherein no Effoin, Protection, or Wager of Law, Privilege, or any more than one Imparance shall be allowed. And if any Minister or Reader, who shall hereafter receive from the Sheriff of his County, the Copy of a Writ for Election of Burgesses in the said County, shall, after the Receipt thereof, fail to make Publication and Return, according to the Directions of this Act, such Minister or Reader shall forfeit and pay the Sum of One Thousand Pounds of Tobacco; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to such Person or Persons as will inform and sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Complaint, or Action of Debt, wherein no Effoin, Protection, or Wager of Law, Privilege, or any more than one Imparance shall be allowed.

III. *AND be it further Enacted*, That after Publication of Writs, and Time and Place for Election of Burgesses as aforesaid, every Freeholder, actually resident within the County where the Election is to be made, respectively shall appear accordingly, and give his Vote at such Election, upon Penalty of

A. D. 1705

The Secretary to deliver the Writs to the Sheriff of each County. The Sheriff to deliver 1 Copy to the Minister or Reader of every Parish.

The Election to be at the Court-house. The Minister or Reader to publish such Copy in the Church or Chapel.

And return the same with a Certificate of the Publication.

Secretary failing to deliver the Writs to the Sheriffs, forfeits 40*l*.

One Moiety to the Queen. The other to the Informer.

Sheriff failing to deliver a Copy of the Writ to every Minister or Reader in his County, forfeits 2000*lb*. Tobacco.

One Moiety to the Queen. The other to the Informer.

Minister or Reader failing to publish and return the Writs, forfeits 1000*lb*.

One Moiety to the Queen.

The other to the Informer. How to be recovered.

Every Resident Freeholder to appear and vote at the Election.

forfeit-

A. D. 1705.

Or forfeits
200lb. To-
bacco to the
Informer.

Feme-Sole,
Feme-Covert,
Infant, and
Recusant
Convict ex-
cluded from
voting.

Persons not
being Free-
holders presu-
ming to vote,
forfeit 500lb.
Tobacco.

One Moiety
to the Queen.
The other to
the Informer.

Onus Pro-
bandi to lie
upon the De-
fendant.

Method of
taking the
Poll.

And return-
ing the Bur-
gesses.

Freeholders,
if required,
&c. shall be
sworn.

forfeiting Two Hundred Pounds of Tobacco to such Person or Persons as will inform and sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Effoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance shall be allowed.

IV. *PROVIDED always*, That no Freeholder being a Feme-Sole, or Feme-Covert, Infant, under Age, or Recusant Convict, shall be obliged to appear, and give his or her Vote in any of the said Elections; neither, if they do appear, shall they have Liberty to vote, but shall be excluded therefrom, as though they were not Freeholders. And if any Person shall presume to give his Vote for Election of any Burgesses or Burgesses, not being a Freeholder in the County or Town respectively where he shall give his Vote, such Person shall forfeit and pay Five Hundred Pounds of Tobacco; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to such Person or Persons as will inform and sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Effoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance shall be allowed. And if, upon any Suit brought, the Question shall arise, Whether any Person be a Freeholder, or not? In such Case, the *Onus Probandi* shall lie upon the Defendant. And if the Election of any Burgesses or Burgesses cannot be determined, upon the View, by Consent of the Freeholders, the Sheriff, or, in his Absence, the Under-Sheriff shall proceed to take the Poll in Manner following; *to wit*, he shall appoint such and so many Person or Persons, as to him shall seem fit, to take in Writing, the Name of every Freeholder who gives his Vote, and the Person or Persons he votes for; which Person or Persons so appointed, shall first take an Oath for his true and impartial taking the Poll; which Oath the Sheriff, or, in his Absence, the Under-Sheriff, is hereby impowered and required to administer; and then (the Sheriff, or Under-Sheriff, as aforesaid, having provided One or more Book or Books for that Purpose, as Occasion shall require) in the Court-house of the County, in Presence of the several Candidates nominated, if they will be present, or such other Persons, as (if they think fit) they may appoint to see the Poll fairly taken, the Person or Persons so appointed and sworn as aforesaid, shall take the Poll as followeth; *to wit*, first he or they shall write down the Names of all the Candidates, every One in a several Page of the Book, or in a particular Column; and then the Name of every Freeholder coming to give his Vote, shall be fairly written in the several Pages or Columns respectively, under the Name or Names of such Person or Persons as he shall vote for: Provided, that no Freeholder, who, at such Election, shall have given his Vote for Two Persons, shall be permitted to vote or poll for any more. And when every Freeholder present, shall have given his Vote in Manner as aforesaid, (or upon Proclamation Three Times made at the Court-house Door, if no more Freeholders will give their Votes) the Sheriff, or Under-Sheriff as aforesaid, shall conclude the Poll; and afterwards, upon Examination thereof, whatsoever Person or Persons of the Candidates shall appear to have the most Votes, the Sheriff, or Under-Sheriff as aforesaid, shall return him or them Burgesses or Burgesses; and if Two or more Candidates shall have an equal Number of Votes, the Sheriff, or Under-Sheriff as aforesaid, being a Freeholder, shall and may return which of them he thinks fit: And every Freeholder, before he is admitted to poll at any such Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf,

holder

shall take the following Oath; which Oath the Sheriff, or Under-Sheriff as
afore said, is hereby impowered and required to administer; *to wit,*

A. D. 1705.

YOU shall swear, That you are a Freeholder of the County of
and that you have not been before polled at this Election.

The Oath.

And in case any Freeholder, or other Person, taking the said Oath, shall there-
by commit wilful and corrupt Perjury, and be thereof convicted; or if any
Person do unlawfully and corruptly procure or suborn any Freeholder, or o-
ther Person, to take the said Oath, in order to be polled, whereby he shall
commit such wilful and corrupt Perjury, and shall be thereof convicted, he
or they, for every such Offence, shall forfeit and pay the Sum of Ten Pounds
current Money; One Moiety thereof to our Sovereign Lady the Queen, her
Heirs and Successors, for and towards the better Support of the Government
of this Her Majesty's Dominion, and the contingent Charges thereof; and the
other Moiety thereof to him or them that will inform or sue for the same:
To be recovered, with Costs, in any Court of Record within this Dominion, by
Action of Debt, Bill, Complaint, or Information, in which no Essoin, Protection,
or Wager of Law, shall be allowed.

Persons con-
victed of wil-
ful Perjury,
and Persons
suborning,
&c. forfeit
10l. current
Money.

One Moiety
to the Queen,
The other to
the Informer.

V. AND for Prevention of Disputes which may hereafter arise in Elections
of Burgeses, who shall be accounted and paid for Freeholders,

Who shall
be accounted
Freeholders.

VI. BE it Enacted, by the Authority aforesaid, and it is hereby Enac-
ted and Declared, That every Person who hath an Estate Real for his own
Life, or the Life of another, or any Estate of any greater Dignity, shall be
accounted a Freeholder, within the Meaning of this Act.

Tenant for
Life, and all
Persons ha-
ving Estates of
greater Dig-
nity, declared
Freeholders.

VII. AND after the Election shall be made, in Manner as herein is before
directed, the Sheriff, or Under-Sheriff as aforesaid, shall make Return thereof
in Manner following; *to wit,* upon the Writ shall be indorsed thus;

Sheriff shall
return the
Writ.

The Execution of this Writ appears in a certain Schedule hereto annexed.

Indorsement
thereon.

And in the Schedule to the Writ annexed, the Execution thereof shall be cer-
tified as followeth, *mutatis mutandis*, viz.

B*y Virtue of this Writ to me directed, in my full County, held at the*
Court-house for my said County, upon the Day of *in the*
Year of the Reign of by the Grace of God, of England,
Scotland, France, and Ireland, Queen, Defender of the Faith, &c. by the
Assent of my said County, I have caused to be chosen [Two Burgeses] of
my said County, to wit, A. B. and C. D. to act and do, as in the said Writ
is directed and required.

Returns for
a County.

And for the College of William and Mary, or for any Town, the Form of
the Return shall be thus;

For the Col-
lege of Willi-
am and Mary,
or for a
Town.

B*y Virtue of this Writ to me directed, I did make lawful Publication*
thereof; and afterwards, to wit, upon the Day of
in the Year of the Reign of *by the Grace of God, of*
England, Scotland, France, and Ireland, Queen, Defender of the Faith, [at
the said Town of] or [at the said College] by the Assent of the
[Freeholders] or [President and Masters, or Professors] thereof, I have caused
to be chosen One Burgess for the said [Town] or [College,] to wit, A. B. of
to act and do, as in the said Writ is directed and required.

R

And

A. D. 1705.

Sheriff shall deliver a Copy of the Poll, on Request.

Burgesses dying, &c. fitting the General Assembly; Sheriff shall forthwith execute the Writ for a new Election.

Sheriff refusing to take the Poll, or to deliver a Copy thereof, or making false Return, &c. forfeits 40 l. Sterling.

One Moiety to the Crown,

The other to the Informer.

Sheriff shall return the Writ for Election of Burgesses to the Secretary's Office, on Penalty of 2000 l. Tobacco.

One Moiety to the Crown,

The other to the Informer.

No Candidate shall give or promise, &c. any Money, Treats, Presents, Preferments, &c. to any Freeholder, or to any County, &c.

And if at any Time, any Candidate, or other Person, in his Behalf, shall desire a Copy of the Poll, the Sheriff, or Under-Sheriff, who manages the Election, as soon as may be, shall cause a fair Copy thereof to be made, and shall deliver it, attested with his own Hand, unto such Candidate, or other Person, as shall require the same as aforesaid.

VIII. AND if, upon the Death or Incapacity of any Member or Members of the House of Burgesses, the Sheriff of any County shall receive a Writ for the Election of One or more Burgesses or Burgesses, during the Session of the General Assembly; in such Case, he is hereby required to appoint such and so many Persons as to him shall seem fit, to give Notice thereof, and of the Time and Place of Election, unto every particular Freeholder residing within the County or Town for which such Election is to be made; which Election shall be made as soon as possible, in Manner as is herein before directed, and the Person or Persons so elected, shall be returned in Form aforesaid. And if the Sheriff of any County, or in his Absence, the Under-Sheriff, (being thereunto required, before the Return be made, by any Candidate or Freeholder) shall refuse to take the Poll, or shall take it in other Manner than is herein directed, or shall refuse to give a Copy of the Poll as aforesaid, or shall make any false Return, or insufficient Return, or shall fail to make any Return, or shall make any Return in any other Form than is herein before directed, every such Sheriff, or Under-Sheriff as aforesaid, offending herein, or in any of these Cases respectively, shall forfeit and pay the Sum of Forty Pounds *Sterling*; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to him or them that will inform or sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Complaint, or Information, in which no Effoin, Protection, or Wager of Law, shall be allowed.

IX. AND be it further Enacted, That the Sheriff of every County shall return every Writ to him directed for the Election of One or more Burgesses or Burgesses, and shall cause the same to be safely delivered to the Clerk of the Secretary's Office for the Time being, or to such other Person as shall attend in the said Office, to receive the same, at least the Day before the Day mentioned in any such Writ for the Return thereof: And if any Sheriff shall neglect or fail performing his Duty herein, he shall forfeit and pay the Sum of Two Thousand Pounds of Tobacco; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to him or them that will inform or sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Complaint, or Information, in which no Effoin, Protection, or Wager of Law, shall be allowed.

X. AND be it further Enacted, by the Authority aforesaid, That no Person or Persons hereafter to be elected to serve in the General Assembly for any County, Town, or Corporation, within this Dominion, after the Test, or issuing out or ordering of the Writ or Writs of Election, upon the calling or summoning of any General Assembly hereafter, or after any Place becomes vacant hereafter, in the Time of this present, or any succeeding General Assembly, shall or do by himself or themselves, or by any other Ways or Means, on his or their Behalf, or at his or their Charge, before his or their Election, to serve in the General Assembly for any County, Town, or Corporation, within this Dominion, directly or indirectly, give, present, or allow to any Person or Persons

Persons having Voice or Vote in such Election, any Money, Meat, Drink, Entertainment, or Provision; or make any Present, Gift, Reward, or Entertainment; or shall at any Time hereafter make any Promise, Agreement, Obligation, or Engagement, to give or allow any Money, Meat, Drink, Provision, Present, Reward, or Entertainment, to or for any such Person or Persons in particular, or to any such County, Town, or Corporation in general, or to or for the Use, Advantage, Benefit, Employment, Profit, or Preference of any such Person or Persons, County, Town, or Corporation, in Order to be elected, or for being elected to serve in the General Assembly for any such County, Town, or Corporation.

A. D. 1705.

XI. *AND be it further Enacted and Declared*, That every Person or Persons so giving, presenting or allowing, making, promising or engaging, doing, acting or proceeding, shall be, and are hereby declared and enacted to be disabled and incapacitated, upon such Election, to serve in the General Assembly for such County, Town, or Corporation; and that such Person or Persons shall be deemed and taken, and are hereby declared and enacted to be deemed and taken no Members of the General Assembly, and shall not act, sit, or have any Vote or Place in the General Assembly; but shall be, and are hereby declared and enacted to be, to all Intents, Constructions, and Purposes, incapacitated, as if they had never been returned or elected Members for the General Assembly.

Persons making or promising Presents, &c. disabled to sit in the House of Burgesses.

XII. *AND be it further Enacted and Declared*, That no Person under the Age of One and Twenty Years, shall be capable of being elected to serve in the General Assembly; neither shall any Person be capable to be a Burgess for any County, unless, at the Time of such Election, he shall be a Freeholder in the same County; but every such Election shall be, and is hereby declared to be, illegal and void.

Infants, and all Persons not being Freeholders at the Time of Election, incapable of voting.

XIII. *AND be it further Enacted and Declared*, That all and every Member and Members of the General Assembly are, and ought to be, and for ever hereafter shall be, in their Persons, Servants, and Estates, both Real and Personal, free, exempted, and privileged, from all Arrests, Attachments, Executions, and all other Process whatsoever, (save only for Treason, Felony, or Breach of the Peace,) during his or their Attendance upon the General Assembly, by the Space of Ten Days before the Beginning, and Ten Days after the Conclusion of every Session of Assembly: And if any Process shall be depending against any such Member or Members before his or their Election, such Process shall be staid, and shall not be proceeded upon against such Member or Members, by the Space of Ten Days before and after every Session as aforesaid, and shall then be again revived, and may be prosecuted, as otherwise it might have been, without any Discontinuance or Abatement thereof, by Reason of such being staid as aforesaid. And if at any Time hereafter, the General Assembly shall be prorogued or adjourned for any longer Time than Twenty Days; in such Case it shall be lawful to commence any Process against any Member or Members of the General Assembly: Provided always, that such Process be staid as aforesaid, by the Space of Ten Days before and after every Session or Meeting, by Prorogation or Adjournment as aforesaid.

All Members of the General Assembly, privileged from Civil Process in their Persons, Servants, and Estates, during the Session, and 10 Days before and after.

Process depending before Election, shall be staid 10 Days before and after every Session, but may be afterwards continued.

If the Assembly is prorogued or adjourned longer than 20 Days, Process may commence in the Interval.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That the Allowances for Burgesses attending at the General Assembly, shall be as followeth; that is to say, For every Burgess coming by Land, shall be allowed and paid by the County for which he serves, One Hundred and Thirty Pounds of Tobacco and Cask, a Day, besides the necessary Charge of Ferriage. And

Burgesses Wages 130 lb. Tobacco and Cask per Diem, to be paid by their respective Counties, besides Ferriages.

A. D. 1705.

Burgesses coming by Water, shall receive 120 lb. Tobacco and Cask, per Diem.

Allowances to the Burgesses for traveling Days from their several Counties.

For Burgesses coming by Water, the Sheriff shall provide a Boat and 2 Men, at 36 lb. Tobacco per Day.

But the Burgesses from Accomack and Northampton, shall be allowed 60 lb. Tob. per Diem, for a Sloop and Hands.

For the further Settlement of Burgesses Wages. Vide 3 & 4 Geo. 2. cap. 7.

At every Election, the Sheriff of each County shall, by Proclamation, publish the Time for a Court to be held, for receiving Propositions, and Grievances, & Public Claims which shall be certified to the Assembly, and delivered to the Burgesses.

A Court of Claims, &c. to be held & published before every Session.

All former Laws relating to Elections of Burgesses, &c. repealed.

for every Burgess which cannot come to the General Assembly, otherwise than by Water, there shall be allowed and paid as aforesaid, One Hundred and Twenty Pounds of Tobacco and Cask, a Day. And over and above the said daily Allowances, there shall be paid and allowed, for going and returning to and from the General Assembly, as followeth; *to wit*, To every Burgess for the Counties of *James-City, York, Warwick, Elizabeth-City, New-Kent, Gloucester, Charles-City, Surry, and Isle of Wight*, the Allowance of One Day for coming, and One Day for returning. And to every Burgess for the Counties of *Henrico, Nansemond, Norfolk, Princess-Anne, King-William, Prince-George, King and Queen, Middlesex, and Essex*, the Allowance of Two Days for coming, and Two Days for returning. And to every Burgess for the Counties of *Lancaster and Richmond*, the Allowance of Three Days for coming, and Three Days for returning. And to every Burgess for the Counties of *Stafford, Northumberland, Westmoreland, Northampton, and Accomack*, the Allowance of Four Days for coming, and Four Days for returning. And where the Burgesses come by Water, the Sheriff is hereby required and impowered, by Impressing, or otherwise, to provide a Boat and Two Men, to carry the Burgesses of his County respectively, to and from the General Assembly; for which Boat, Men, and their necessary Provision, shall be allowed and paid as aforesaid, Thirty Six Pounds of Tobacco for every Day, during the Time they are performing that Service. But forasmuch as the Burgesses for the Counties of *Accomack and Northampton* cannot come in a Boat to attend the General Assembly, therefore the Sheriff of each of those Two Counties is hereby required and impowered, by Impressing, or otherwise, to provide a Sloop and Men, to carry the Burgesses of his County respectively, to and from the General Assembly; for which Sloop, Men, and their necessary Provisions, shall be allowed and paid as aforesaid, Sixty Pounds of Tobacco for every Day, during the Time they are performing that Service.

XV. *AND be it further Enacted, by the Authority aforesaid*, That at the Time and Place of Election of Burgesses for any County within this Dominion, the Sheriff, or in his Absence, the Under-Sheriff of such County respectively, at the Door of the Court-house, by Proclamation to be there Three Times made, between the Hours of One and Three of the Clock in the Afternoon, shall give public Notice of the Time appointed for a Court to be held, for receiving and certifying to the next Session of the General Assembly the Propositions and Grievances, and the Public Claims of all and every Person and Persons within his County; which Propositions and Grievances shall be signed by the Person or Persons presenting the same to the Court; and thereupon the chief Magistrate then present, or the Clerk, by the Direction of the Court, shall certify the same to the General Assembly, and shall deliver the same to the Burgesses for the County, to be by them presented accordingly. And in like Manner, a Court for receiving and certifying Propositions and Grievances, and Public Claims as aforesaid, shall be appointed and held in each County respectively, before every Session of the General Assembly: And the Sheriff of the County is hereby required to cause public Notice to be given of the Time appointed for the holding such Court at every respective Church and Chapel within his County.

XVI. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to regulating the Elections of Burgesses, or settling their Privileges, or ascertaining their Allowances, is, and are hereby repealed, and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. III.

An Act prescribing the Method of appointing Sherifs; and for limiting the Time of their Continuance in Office, and directing their Duty therein.

I. **F**OR the more regular Nomination and Appointment of Sherifs, *Be it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the Court of every County within this Dominion, at some convenient Time between the last Day of *January*, and the last Day of *March*, Yearly, shall present to the Governor, or Commander in Chief of this Dominion for the Time being, a List or Recommendation of Three such Persons (being Justices) in the same County Court respectively, as they shall think most fit and able to execute the Office of Sheriff for their respective Counties, for the Year then next ensuing; of which Three Persons so recommended, the said Governor, or Commander in Chief shall accordingly commissionate such One as to him shall seem meet, for the executing the said Office for the Year then next coming.

Every County Court Annually, between 31 *Jan.* and 31 *March*, to recommend 3 Justices to the Governor, who shall commissionate One of them to be Sheriff of that County, for the Year ensuing.

II. *PROVIDED always,* That it shall and may be lawful for the Governor, or Commander in Chief of this Dominion, for the Time being, to continue any Person, as to him shall seem fit, in the Office of Sheriff of any County, by the Space of Two Years, next immediately succeeding each other; any Thing herein contained to the contrary, notwithstanding.

Governor may continue a Sheriff in his Office 2 Years successively.

III. *AND be it further Enacted, by the Authority aforesaid,* That no Person shall at any Time hereafter be capable to execute or enjoy the Office of Sheriff of any County within this Dominion, unless such Person, at the Time of his entering into and upon the said Office, shall be a Justice of the Peace in the same County respectively; neither shall it be lawful for any Person to execute or enjoy the said Office for any longer than Two Years next succeeding each other.

No Person capable of being Sheriff, who is not at that Time, a Justice of Peace in the same County, nor of executing the said Office longer than 2 Years successively.

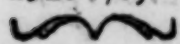
IV. *AND be it further Enacted, by the Authority aforesaid,* That when any Person shall have obtained a Commission for the Office of Sheriff of any County, before he shall be admitted to take the Oath of a Sheriff, or shall enter upon the Execution of his said Office, he shall, at the Court of his County, enter into Bond to our Sovereign Lady the Queen, her Heirs and Successors, with Two good and sufficient Sureties at the least, in the Sum of One Thousand Pounds *Sterling*, for his true and faithful Performance of his Office: Which Bond the said County Court is hereby impowered and required to take, and cause to be acknowledged before them in open Court, and recorded in the Records of their County.

Sheriff to give Bond & Security, in the Sum of 1000 *l. Sterl.*

V. *AND be it further Enacted, by the Authority aforesaid,* That every Sheriff by himself, or his lawful Officers, or Deputies, shall execute all such Writs and Precepts, as from Time to Time shall be directed, according to the Demand thereof; and also shall make due Return thereof, in Manner following; that is to say, All Writs returnable in any County Court, shall be executed, and Returns thereof made, at the least Two Days, excluding *Sunday*, before the Day therein mentioned for the Return: And all Writs returnable in the General Court, shall be executed as is directed in the Act for establishing

Sheriff, or his Deputy, shall execute and return all Writs, &c. to him directed, according to Law, on Penalty of 1000 *lb. Tobacco* for every Offence.

A. D. 1705.



One Moiety
to the Crown,

The other
to the Party
grieved.

And further
liable to the
Suit of the
Partygrieved.

Sheriff making a false
Return, forfeits 3000 lb.
Tobacco, and
liable to further Damages.

Process executed on a
Sunday, or at
a Muster of
Militia, or an
Election of
Burgesses,
void.

Traitors, Felons,
Rioters, Breakers of
the Peace, or
of Prison, may be
apprehended at any
Time.

Sheriff shall take the Obligations of
Persons in his Custody, payable to himself, as Sheriff,
& dischargeable by the
Appearance of the Prisoner,
&c. otherwise the Obligation void.

Proviso, Special Cases excepted.

Returns of Writs shall be according to the Truth of the Case.

establishing the General Court, and Return thereof shall be made, at the least Three Days, excluding *Sunday*, before the Day therein mentioned for the Return. And every Sheriff failing to make sufficient Return of all Writs and Precepts to him directed as aforesaid, and according to the several Times herein before limited, shall, for every such Offence, forfeit and pay the Sum of One Thousand Pounds of Tobacco; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the Support of the Government of this Her Majesty's Colony and Dominion, and the contingent Charges thereof; and the other Moiety to the Party grieved: To be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion, in which no Essoin, Protection, or Wager of Law, shall be allowed. And moreover, such Sheriff so failing as aforesaid, shall be liable to an Action at the Common Law, at the Suit of the Party grieved, for any Damage which shall be sustained by such Failure. And if any Sheriff, by himself, Officer, or Deputy, having executed any Writ or Precept to him directed, shall, by himself, Officer, or Deputy, make a false Return thereof, every such Sheriff so offending, shall forfeit and pay the Sum of Three Thousand Pounds of Tobacco: To be recovered and divided as aforesaid; and also shall be liable to an Action at the Common Law, at the Suit of the Party grieved, for any Damage which shall be sustained by such false Return.

VI. *PROVIDED* always, That it shall not be lawful for any Sheriff, or his Officer, or Deputy, to execute any Writ or Precept upon the Lord's Day, commonly called *Sunday*, nor upon any Person attending or doing his Duty at any Muster of the Militia, or at any Election of Burgesses: And the Execution of any Writ or Precept, contrary to the true Meaning hereof, is hereby declared to be null and void; any Thing herein contained, or any Law, Custom, or Usage to the contrary, notwithstanding.

VII. *PROVIDED* nevertheless, That it shall and may be lawful for the Sheriff, his Officer, and Deputy, at any Time and Place whatsoever, to arrest and apprehend any Person for Treason, or Felony, or Suspicion of Felony, or being accessory thereto; or for any Riot, or Breach of the Peace; or upon any Escape out of Prison; any Thing herein contained to the contrary thereof, notwithstanding.

VIII. *AND* be it further Enacted, by the Authority aforesaid, That no Sheriff, or any of his Officers, or Deputies, shall take, or cause to be taken, or made, any Obligation, for any Cause whatsoever, by Colour of their Office, but only to themselves, of any Person, nor by any Person, which shall be in their Ward, by the Court of the Law, but by the Name of their Office, and upon Condition written, that the Prisoner or Prisoners shall appear at the Day contained in the Writ, Bill, or Warrant, and in such Places as the said Writs, Bills, or Warrants shall require. And if any Sheriff, or other Officer, take an Obligation in other Form, by Colour of their Offices, it shall be void.

IX. *PROVIDED* always, That it shall and may be lawful to and for any Sheriff, or other Officer, to take such other Obligation of any Person or Persons in their Ward, as is, or shall be particularly and expressly directed by any other Act, upon any special Case therein mentioned; any Thing herein contained to the contrary, notwithstanding.

X. *AND* be it further Enacted, That if any Writ or Precept in any Civil Action, shall be delivered to any Sheriff, or other Officer, to attach the Body of any Person which is not to be found within the County where such Sheriff

Sheriff, or other Officer resides; in such Case, Return of the same Writ or Precept, within the Time herein before limited, shall be made, according to the Truth of the Case: And if the Person, against whom such Writ or Precept issued, shall not appear, being thereto lawfully called by Proclamation in open Court, at the Return thereof, an Attachment shall be awarded against his Estate, returnable to the next Court; at which Time, if the Defendant shall fail to appear, the Estate so attached, or so much thereof, as shall be sufficient to pay what shall appear to be due to the Plaintiff, with the Costs of Suit, shall, by Rule of Court, be ordered to be appraised and delivered to the Plaintiff for his Satisfaction therein: But if, at the Return of the Attachment as aforesaid, the Defendant shall appear, then the Attachment shall cease and become void, and the Trial shall proceed, as in other like Cases, if the Defendant had appeared at the Return of the first Writ or Precept.

A. D. 1705.

Defendant failing to appear, an Attachment may issue against his Estate, repleviable by Appearance at the next Court.

XI. *PROVIDED* always, That no Sheriff, or other Officer shall make Return upon any Writ or Precept, that the Person against whom the same issued, is not to be found, until he shall actually have been at the Dwelling-house, or Place of Residence of such Person, and not finding him, shall have there left an attested Copy of the same Writ or Precept.

Non est inventus shall not be returned, unless a Copy of the Writ be left at the Defendants Place of Abode.

XII. *PROVIDED* also, That if any Writ or Precept shall be delivered to any Sheriff, or other Officer, to attach the Body of any Person being a known Inhabitant of another County, and not of the County where the said Sheriff, or Officer resides; in such Case, the Sheriff, or Officer shall make Return, according to the Truth of the Case; and not that the Person is not to be found in his County, and thereupon the Process shall abate and be dismissed.

Writs against any Defendant being an Inhabitant of another County, shall be returned, according to the Truth of the Case, and the Writ abates.

XIII. *AND* be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to prescribing the Method of appointing Sheriffs, or limiting the Time of their Continuance in Office, or directing them in the Execution thereof, in or concerning any Matters or Things within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to Sheriffs repealed.

C H A P. IV.

An Act declaring who shall not bear Office in this Country. R E P.

C H A P. V.

An Act against importing Tobacco from Carolina, and other Parts without the Capes of Virginia.

I. **F**OR Prevention of such Inconveniencies and Disadvantages as reasonably may be expected in a short Time to fall upon the Inhabitants of this Colony and Dominion, in the Sale or Shipping of their Tobacco, in Case like Provision be not now made, as hath been heretofore, against importing or bringing Tobacco hither from Parts without the Capes,

Preamble.

II. BE

A. D. 1705.

Tobacco imported from Carolina, or other Parts without the Capes, forfeited.

One Moiety to the Crown,

The other to the Informer.

II. *BE it Enacted by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That* such Importation from henceforth be, and by Virtue of this Act remain, prohibited and forbidden; and that if any Tobacco hereafter, in any-wise whatsoever, shall be imported or brought from *Carolina*, or other Parts without the Capes, into this Colony and Dominion, in order to be here laid on Shore, sold, or shipped, the same shall be thereby forfeited and lost; One Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him, her, or them, that shall inform or sue for the same in any Court of Record within this Her Majesty's Colony and Dominion, by Action of Debt, Bill, Complaint, or Information, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

Saving to Persons bringing Tobacco of the Growth of this Colony, round the Capes.

III. *PROVIDED always*, That nothing aforesaid shall be construed to hinder the Inhabitants of this Colony and Dominion, Merchants, or Others, to bring their Tobacco round the Capes, for the Purposes aforesaid, if it be of the Growth of this Colony, but that such Importation shall be lawful, and shall be so accounted, deemed, and taken; any Thing in this Act before contained to the contrary, notwithstanding.

But such Tobacco shall not be brought round without a Certificate from the Collector, &c. otherwise forfeited.

IV. *PROVIDED nevertheless, and it is Enacted, by the Authority aforesaid*, That no such Tobacco shall be laden or put on Board any Boat, Sloop, or other Vessel, in order to be brought round the Capes as aforesaid, before the Owner thereof (by his own Oath at least) make it appear to the Collector of the Two Shillings *per* Hogshead for the District where such Tobacco is to be taken in, that the said Tobacco is all of the Growth of this Colony, and obtain his Certificate or Permit concerning the same: And that if any Tobacco, though of the Growth of this Colony, be brought round the Capes without such Certificate or Permit, the said Tobacco shall be thereby forfeited and lost, and shall also be divided, as other Tobacco imported or brought into this Colony, from Parts without the Capes; any Thing in the aforesaid Proviso of this Act to the contrary, notwithstanding.

Repeal of former Laws concerning Tobacco from Carolina, &c.

V. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to importing Tobacco from *Carolina*, and other Parts without the Capes of *Virginia*, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. VI.

An Act for ascertaining the Gauge of Barrels for Pork, Beef, Tar, and Pitch.

Preamble.

I. **F**OR Prevention of Frauds and Abuses frequently practised by greedy and avaricious Traders in Pork, Beef, Tar, and Pitch, who, for their own private Lucre and Gain, not only make and set up, or cause to be made and set up, small Barrels, but also slightly pack, and deceitfully fill the

the same, to the great Prejudice of the Trade of this Her Majesty's Colony and Dominion, in the said Commodities and Merchandizes, A. D. 1705.

II. *BE it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Nine and Twentieth Day of *September* next, all and every Barrel or Barrels, which shall be made and set up, to put Pork, Beef, Tar, or Pitch into; and also all and every Barrel or Barrels, wherein Pork or Beef shall be packed, or wherein Tar or Pitch shall be filled, either for Exportation out of, or for Sale within, this Her Majesty's Colony and Dominion, shall be of a Size, Gauge, and Dimension, large enough to hold and contain, at least, the Quantity of Thirty One Gallons and an Half of *Winchester* Measure; and that the Contents of every Pork Barrel, at Exportation, or Sale, shall be at least Two Hundred and Twenty Pounds of neat Pork, and of every Beef Barrel the like Quantity of neat Beef; and that every Tar Barrel shall be filled with clean Tar, and every Pitch Barrel with true made Pitch, without the least Mixture of any Sort of Trash whatsoever.

After 29 September, 1705, every Barrel set up for Pork, Beef, Tar, or Pitch, for Exportation, or Sale, shall contain 31 Gallons $\frac{1}{2}$ *Winchester* Measure.

Every Pork or Beef Barrel to contain 220 lb. net, and Tar or Pitch to be filled without Mixture of Trash, &c.

III. AND to the End, all and every Barrel or Barrels to be thereafter made use of, for any the Purposes aforesaid, may from Time to Time be set up, or packed, and filled, according to the Directions of this Act,

IV. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That whatsoever Person or Persons professing or using the Craft, Mystery, or Occupation of a Cooper; or whatsoever other Person or Persons, which, without pretending to the Profession of a Cooper, make and set up Cask for his or their own proper Use only, shall, after the said Nine and Twentieth Day of *September*, make or set up, any Barrel or Barrels for Pork, Beef, Tar, or Pitch, of a less Size, Gauge, and Dimension, than is directed by this Act; all and every such Person or Persons shall, for every Barrel so made and set up, forfeit and pay the Sum of Five Pounds current Money.

Persons setting up Cask of less Dimensions, forfeit 5 l. per Barrel.

V. *AND be it further Enacted, by the Authority aforesaid,* That whatsoever Person or Persons, from and after the said Nine and Twentieth Day of *September*, shall pack Pork or Beef, for Sale, in any Barrel or Barrels made and set up, contrary to this Act, in Size, Gauge, and Dimension; or shall, in any Barrel or Barrels, pack less Pork or Beef, than this Act requires, that is to say, sufficient to make each Barrel hold out, at Exportation or Sale, the Quantity directed by this Act, to be the Quantity and Contents of a Barrel of Pork, or a Barrel of Beef; all and every such Person or Persons shall, for every such Barrel, forfeit and pay the Sum of Five Pounds current Money.

Persons packing up for Sale, Pork or Beef, in Casks of less Contents, forfeit 5 l. per Barrel.

VI. *AND be it further Enacted, by the Authority aforesaid,* That whatsoever Person or Persons, from and after the said Nine and Twentieth Day of *September*, shall put or fill Tar or Pitch, for Sale, in any Barrel or Barrels made and set up, contrary to this Act, in Size, Gauge, or Dimension; or shall fill up or mingle any Barrel or Barrels of Tar with any Trash or Mixture of any other Matter or Thing than clean Tar; or any Barrel or Barrels of Pitch, with any Trash or Mixture of any other Matter or Thing than true made Pitch; all and every such Person or Persons shall forfeit and lose all and every such Barrel or Barrels of Tar or Pitch, and besides that, Ten Shillings for every such Barrel of Tar, and Twenty Shillings for every such Barrel of Pitch.

And Tar or Pitch, in Cask of less Gauge, or mix'd with Trash, &c. 20 s. per Barrel of Pitch, and 10 s. per Barrel of Tar, besides Forfeiture of Goods.

VII. *AND be it further Enacted, by the Authority aforesaid,* That whatsoever Person or Persons, from and after the said Nine and Twentieth Day of *September*, shall export out of this Her Majesty's Colony and Dominion,

Persons exporting Pork or Beef, in Cask of less

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Contents, forfeit 5l. per Barrel.

nion, to any other Port or Place, or put on Board any Ship, Bark, Sloop, or other Vessel, in order to be exported as aforesaid, Pork or Beef, in any Barrel or Barrels made and set up, contrary to this Act, in Size, Gauge, and Dimension; or shall export, or put on Board any Ship, Bark, Sloop, or other Vessel, in order to be exported as aforesaid, any Barrel or Barrels of Pork, of less neat Contents in Pork, or any Barrel or Barrels of Beef, of less neat Contents in Beef, than this Act directs; all and every such Person or Persons shall, for every such Barrel, forfeit and pay the Sum of Five Pounds current Money.

And 10s. per Barrel of Pitch, & 10s. per Barrel of Tar, exported or shipped in Casks of less Gauge, or mixed with Trash, &c. besides Forfeiture of the Goods.

VIII. *AND be it further Enacted, by the Authority aforesaid, That* whatsoever Person or Persons, from and after the said Nine and Twentieth Day of *September*, shall export out of this Her Majesty's Colony and Dominion, unto any other Port or Place, or put on Board any Ship, Bark, Sloop, or other Vessel, in order to be exported as aforesaid, any Tar or Pitch, in any Barrel or Barrels made and set up, contrary to this Act, in Size, Gauge, and Dimension; or shall export, or put on Board any Ship, Bark, Sloop, or other Vessel, in order to be exported as aforesaid, any Barrel or Barrels of Tar, filled up, or mingled with any Trash, or Mixture of any other Matter or Thing than clean Tar, or any Barrel or Barrels of Pitch, filled up, or mingled with any Trash, or Mixture of any other Matter or Thing than true made Pitch, all and every such Person or Persons shall forfeit and lose all and every such Barrel or Barrels of Tar or Pitch; and besides that, Ten Shillings for every such Barrel of Tar, and Twenty Shillings for every such Barrel of Pitch.

The like Penalties for bartering, selling, or exposing to Sale, in Barrels, contrary to this Act, Pork or Beef.

IX. *AND be it further Enacted, by the Authority aforesaid, That* whatsoever Person or Persons, from and after the said Nine and Twentieth Day of *September*, shall barter away, bargain for, or sell, or expose or offer to Sale, in any Way whatsoever, within this Her Majesty's Colony and Dominion, any Pork or Beef, in any Barrel or Barrels made and set up, contrary to this Act, in Size, Gauge, and Dimension; or shall barter away, bargain, or sell, or expose or offer to Sale, in any Way whatsoever as aforesaid, any Barrel or Barrels of Pork, of less neat Contents in Pork, or any Barrel or Barrels of Beef, of less neat Contents in Beef, than this Act directs, all and every such Person or Persons shall, for every such Barrel, forfeit and pay the Sum of Five Pounds current Money.

And Tar or Pitch.

X. *AND be it further Enacted, by the Authority aforesaid, That* whatsoever Person or Persons, from and after the said Nine and Twentieth Day of *September*, shall barter away, bargain, or sell, or expose or offer to Sale, in any Way whatsoever, within this Her Majesty's Colony and Dominion, any Tar or Pitch, in any Barrel or Barrels made and set up, contrary to this Act, in Size, Gauge, or Dimension; or shall barter away, bargain, or sell, or expose or offer to Sale, in any Way whatsoever as aforesaid, any Barrel or Barrels of Tar, filled up, or mingled with any Trash, or Mixture of any other Matter or Thing than clean Tar, or any Barrel or Barrels of Pitch, filled up, or mingled with any Trash, or Mixture of any other Matter or Thing, than true made Pitch, all and every such Person or Persons shall forfeit and lose all and every such Barrel or Barrels of Tar or Pitch; and besides that, Ten Shillings for every such Barrel of Tar, and Twenty Shillings for every such Barrel of Pitch.

XI. *AND* forasmuch as Pork, Beef, Tar, and Pitch, are often in Barrels, imported and brought hither from *Carolina*, and other Parts and Places, to be sold: For Prevention of Frauds and Abuses therein,

XII. *BE*

XII. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That whatsoever Person or Persons, from and after the said Nine and Twentieth Day of September, shall import or bring into this Her Majesty's Colony and Dominion, from Carolina, or any other Port or Place whatsoever, by Land or Water, any Pork, Beef, Tar, or Pitch, in Barrel or Barrels of less Size, Gauge, and Dimension, than this Act directs, or any Barrel or Barrels of Pork, of less neat Contents in Pork, or any Barrel or Barrels of Beef, of less neat Contents in Beef, than this Act directs, or any Barrel or Barrels of Tar, filled up, or mingled with any Trash, or Mixture of any other Matter or Thing than clean Tar, or any Barrel or Barrels of Pitch, filled up, or mingled with any Trash, or Mixture of any other Matter or Thing than true made Pitch; and shall here bargain away, barter, or sell, or expose or offer to Sale, in any Way whatsoever, to any Person or Persons whatsoever, such Barrel or Barrels of Pork, Beef, Tar, or Pitch, or any of them; all and every such Person or Persons shall be liable to, and pay the Forfeitures and Penalties mentioned in this Act, for every Barrel bartered away, bargained, or sold, or exposed or offered to Sale, contrary to this Act: All which Forfeitures and Penalties aforesaid, shall be divided into Two equal Parts; *to wit*, One Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will inform or sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Her Majesty's Colony and Dominion, in which no Essoin, Protection, or Wager of Law, shall be allowed.

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Pork, Beef, Tar, or Pitch, imported in Barrels, contrary to this Act, and bartered, sold, or exposed to Sale, liable to the like Forfeitures and Penalties.

Penalties & Forfeitures appropriated.

XIII. *AND be it further Enacted,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to ascertaining the Gauge of Barrels for Pork, Beef, Tar, and Pitch, or to any other Matter or Thing within the Purview of this Act, is, and are hereby repealed, and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to the Size of Barrels for Pork, &c. repealed.

C H A P. VII.

An Act concerning Tithables.

I. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That all Male Persons, of the Age of Sixteen Years, and upwards, and all Negro, Mullatto, and Indian Women, of the Age of Sixteen Years, and upwards, not being Free, shall be, and are hereby declared to be tithable, or chargeable, for defraying the Public, County, and Parish Charges, in this Her Majesty's Colony and Dominion; excepting such only, as the County Court, and Vestry, for Reasons, in Charity, made appear to them, shall think fit to excuse.

All Male Persons, and all Negro, Mullatto, and Indian Women, of the Age of 16 Years, Tithables; except Persons excused by Court, or Vestry, as Objects of Charity.

II. *AND to the End,* that the Age of all Children imported, or that shall be imported, who are, or shall be in a Capacity of becoming Tithable, within the Intent and Meaning of this Act may be ascertained,

III. *BE it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Owner or Purchaser of every Child, being a Servant, and the Parent or Importer of every Child, being Free, at the First, Second, or

County Courts to adjudge the Age of every Child imported; and on

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Neglect of the Owner, Parent, or Importer, to bring such Child before the Court, it shall be accounted immediately Tithable.

Third Court, held for the County where such Child shall be, after the Arrival of the said Child in this Country, shall bring the said Child before the County Court, to have its Age adjudged by the Court; otherwise the said Child to be accounted, and thereafter immediately become Tithable as aforesaid, although not of the Age of Sixteen Years: And the Age of such Child being adjudged by the Court, shall be entered upon the Records of the said Court; and be accounted, deemed, and taken, for the true Age of the said Child, in order to its becoming Tithable within the Intent and Meaning of this Act.

IV. AND for the regular and exact taking Account of the tithable Persons in this Her Majesty's Colony and Dominion,

County Courts to appoint Precincts, and a Justice of Peace to take a List of Tithables in each Precinct.

The Justice appointed, shall give public Notice where he will receive the Lists of Tithables in his Precinct, on the 10th Day of June.

And in August Court, shall deliver the List

V. *BE it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the Court of each County, divide the same into convenient Precincts, and annually appoint One of the Justices for each of the said Precincts, to take a List of the Tithables; every which Justice, in convenient Time, before the Tenth of June then next following, shall give Notice of his being appointed thereto, and of the Place he designs to take the same at, by setting up a Note thereof, at the Church or Chapel Door of the Precinct he is appointed for; and shall attend the same, on the said Tenth Day of June, if it happen not to be of a Sunday, and then on the next Day following. And also in August Court then next following, shall deliver the List so by him taken, together with the Subscriptions of the Tithables, to the Clerk of the County Court; who shall, the next Court-Day, set fair Lists thereof, up in the Court-house, there to remain during the sitting of the Court, for the View and Inspection of all that please, and for the Discovery of such as shall be concealed.

On the 10th of June, Annually, every Master, or Mistress of a Family, or Overseer, shall deliver to the Justice appointed for that Precinct, a List of all tithable Persons in the Family, on the 9th Day of June, on Penalty of 1000 lb. Tob. for every Tithable concealed.

To the Informer.

Justice of Peace failing to enter his own List, forfeits 1000 lb. Tob. for every Tithable concealed.

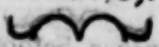
Persons failing on the 10th, but entering their Lists by June 30, acquitted from the Penalty.

VI. AND for the greater Certainty therein, *Be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That every Master or Mistress of a Family, or in his or her Absence, or Non-Residence at the Plantation, his or her Attorney, or Overseer, shall, on the said Tenth Day of June, by a List under his or her Hand, deliver, or cause to be delivered, to the Justice appointed to take the same, the Names and Number of all the tithable Persons abiding in, or belonging to, his or her Family, the Ninth of June, or the Master or Owner thereof, shall be adjudged a Concealer, and be liable as a Concealer of such and so many Tithables as shall not be listed and given in; and for every tithable Person so concealed, or not given in, and listed, as afore is directed, shall forfeit and pay One Thousand Pounds of Tobacco to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Her Majesty's Colony and Dominion, wherein no Essoin, Protection, or Wager of Law shall be allowed. And if any Justice appointed to take the Lists of Tithables, shall not truly enter and list the Names and Number of his own Tithables in that District, in the List he gives in, he shall be adjudged a Concealer; and for every tithable Person so by him concealed, and not listed, shall forfeit and pay One Thousand Pounds of Tobacco, to the Use aforesaid; and to be recovered, with Costs as aforesaid, in Manner and Form aforesaid.

VII. *PROVIDED nevertheless*, That if it shall happen, that any Master or Mistress, or Overseer of a Family, shall, by Sicknels, Absence, Ignorance of the Person or Place, or other Accident, omit to carry, or send, their List of Tithables the said appointed Tenth Day of June, to the Place and Justice appointed, it shall be lawful to the Person or Persons so failing, to carry or send their Lists to the said Justice's House, at any Time between the said Tenth Day of June, and the last Day of the said Month; and so doing, shall

shall be free and acquit from the Penalty and Prosecution aforesaid; any Thing in this Act to the contrary, notwithstanding.

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VIII. *PROVIDED* also, That nothing herein contained, shall be construed to extend to the Governor, or Commander in Chief of this Her Majesty's Colony and Dominion, for the Time being, and his Family; or to the Person of any beneficed Minister within this Colony, so as to charge them, or either of them, as Tithables, within the Meaning of this Act.

The Governor, and his Family, and the Person of a beneficed Minister exempted.

IX. *AND* be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to Tithables, or any other Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to Tithables, repealed.

C H A P. VIII.

An Act concerning Public Claims.

I. *BE* it Enacted, by the Governor, Council, and Burgesses, of this General Assembly, and it is hereby Enacted, by the Authority of the same, That a particular Court shall be held in every County within this Her Majesty's Colony and Dominion, by the Justices of the respective Counties, at the Court-house, before every Session of Assembly, for Proof of all such Debts as are to be paid by the Public, which shall be none other than what are, or shall be so directed, by some particular Act of Assembly; and the said Court shall be called a Court for Proof of Public Claims: And for holding the same, the Sheriff of every County is hereby strictly required and enjoined to appoint a convenient Day; upon which Day, the Justices of the County are hereby impowered and required to meet, for the Purposes aforesaid; and the Sheriff, and County Court Clerk, are hereby also required to attend them.

Before every Session of Assembly, a Court shall be held in each County respectively, for Proof of Public Claims.

Sheriff to appoint a Day for holding the Court.

II. *AND* be it further Enacted, That if the Sheriff, or County Court Clerk, shall fail to give their respective Attendance at the Court appointed for Proof of Public Claims, the Sheriff, or Clerk, for such Failure, shall be fined One Thousand Pounds of Tobacco: And if any Justice of the Peace for the County where such Court is appointed to be held, shall be absent from the said Court, and a sufficient Number of Justices be not there to make a Court, then every Justice so absent, without reasonable Cause, shall be fined the Sum of Five Hundred Pounds of Tobacco; the One Half of which Fines shall be to our Sovereign Lady the Queen, her Heirs and Successors, for the Use of the County; and the other Half to the Informer: To be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Colony and Dominion, wherein no Essoin, Protection, or Wager of Law, or more than one Impar lance, shall be admitted or allowed.

Sheriff, or Clerk, failing to attend, forfeits 1000 lb. Tobacco.

Justices of Peace failing so that a Court cannot be held, forfeit 500 lb. Tobacco.

One Moiety to the County, The other to the Informer.

III. *AND* to the End it may be ascertained, what Proof the said Courts shall take and allow,

IV. *BE* it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That every Person that hath any Public Claim to make, shall produce to the said Court, the Warrant or Certificate upon which the Claim is grounded, and shall exhibit a particular Account of the Services or Disbursements

Persons entitled to Public Claims, shall produce their Warrants, and

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prove, before the Court, that the respective Services were, *bona fide*, performed, and no Satisfaction hath been received.

On such Proof, the Clerk shall certify such Claims, by the Burgeses, to the Assembly, together with the Warrants. Claims under 100 lb. Tob. shall be certified without Fee, and for 100 lb. or upwards, 20 lb. Tobacco.

Provido, that the Claim is allowed in Assembly.

For preventing Frauds, by double Certificates.

No Public Claim shall be allowed, unless proved, & returned to the 2d Session of Assembly, after it becomes due.

Sheriff shall be allowed for Public Services, no other Reward than is given in the Table of his Fees.

This Act shall be read by the Clerk, at the opening every Court of Claims.

All former Laws relating to Public Claims repealed.

ments claimed for; and shall make Oath, or give some other sufficient Proof before the Court, that all and every the Services, Things, or Disbursements, for and concerning which such Claim is preferred and exhibited, are really, and *bona fide*, made, done, and performed, and that no Satisfaction hath been received for the same.

V. *AND be it further Enacted, by the Authority aforesaid*, That Proof of Public Claims being made as aforesaid, the Clerk of the County Court, in order to their Allowance in the Assembly, shall, by the Burgeses of the County, transmit the said Claims, and every of them, to the Assembly, with the Warrants or Certificates, upon which they, and every of them, are grounded; and also indorse, upon every particular Person's Claim, that Proof is made before the Court, concerning the same; or shall thereunto annex a Certificate thereof: All which, the said Clerk shall do, *ex Officio*, where it so happens, that any particular Person's allowed Claim, shall be under One Hundred Pounds of Tobacco; and for every Certificate upon an allowed Claim, amounting to that Sum, or more, the said Clerk (in full of all Fees for his Trouble and Certificate) shall be allowed Twenty Pounds of Tobacco, by the Country.

VI. *PROVIDED*, The Claim be admitted in the Assembly, upon Examination there, to be a Charge which ought to be paid by the Country.

VII. *AND* for Prevention of such Frauds as may be imposed upon the Assembly, by Two Certificates for one and the same Thing, and avoiding all Occasion of looking far back to find out what Public Claims have been once allowed by the Assembly,

VIII. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That no Public Claim whatsoever, shall be hereafter allowed by the Assembly, which is not proved as aforesaid, and returned to the First or Second Session of Assembly, next after the same becomes due: And that every Person concerned in such Public Claims, shall ever afterwards be excluded and barred from the Benefit of this Act.

IX. *AND be it also further Enacted, by the Authority aforesaid*, That no Sheriff whatsoever, within this Her Majesty's Colony and Dominion, shall, for the future, have from the Country, any Allowance, Reward, or Satisfaction, for Public Services, more than the Laws appointing Sheriffs Fees do direct, and give for such Service; and that all such Services of the Sheriff, as the said Laws are silent about, or provide no Reward or Allowance for, shall be done, *ex Officio*.

X. *AND* for the better Direction of the Courts, appointed by this Act, to pursue and follow the same in every Respect,

XI. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all such Courts shall, and they, and every of them, are hereby strictly required and enjoined, to cause this Act to be duly read by their Clerk, at the first Opening of every such Court.

XII. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to Public Claims, or to any other Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P.

C H A P. IX.

An Act concerning the Collection of the Public and County Levies; and for the better Paiment of the same, to the respective Creditors therein concerned.

I. **B**E it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the severall County Courts within this Her Majesty's Colony and Dominion, shall, in the First Place, admit, and they, and every of them, are hereby required, in the First Place, to admit the Sheriff of their respective Counties, for the Time being, to be Collector of the Public and County Levies raised therein.

Sherifs shall be admitted by the County Courts, to be Collectors of the Public and County Levies.

II. *PROVIDED* always, and it is the true Intent and Meaning of this Act, That every Sheriff, before such his Admittance, shall, at the Court held for laying the County Levy, enter into Bond to our Sovereign Lady the Queen, her Heirs and Successors, with Two sufficient Sureties, in double the Sum which the Public and County Levies shall amount to, that he will honestly and faithfully collect, and duly pay and answer all the said Public and County Levies, unto the respective Country and County Creditors, for whom they shall be raised, in such Parts and Proportion to every Creditor, as the same shall be ordered and directed to be paid.

But shall first give Bond, &c Security, in double the Sum of the Levies.

III. *PROVIDED* also, That if the Sheriff of any County shall, at the Laying of the County Levy, refuse, or fail to give Bond, with Sureties as aforesaid, then it shall be lawful for the Court of such County, and such County Court is hereby impowered, to put the Collection of the Public and County Levies into the Hands of any other Person such Court shall think fit, which will give Bond and Security for his Performance in Collecting and Paying the said Levies, according to the aforesaid Directions of this Act.

On Refusal of the Sheriff, the Court may appoint any other Person, who shall give the like Bond and Security.

IV. *AND* be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That every Sheriff, or other Collector, of the Public and County Levies, or of Secretary's, Clerks, and Sheriffs Fees, shall, for every Hundred Pounds of Tobacco he receives in an Hogshead, for such Levies or Fees, allow to the Payer of the same, Eight Pounds of Tobacco, as a Consideration and Satisfaction for the Cask, and so proportionable for a less Sum than One Hundred Pounds of Tobacco: And that if any Sheriff, or other Collector as aforesaid, shall refuse or deny to make the said Allowance of Eight *per Cent.* as aforesaid, for all or any of the Tobaccos which shall be paid him in an Hogshead, on Account of Levies and Fees as aforesaid, such Sheriff, or Collector, shall forfeit and pay to the Party grieved, One Hundred Pounds of Tobacco, for every Eight Pounds of Tobacco due for the Cask, which he refuses to pay for as aforesaid, and so proportionably for a less Sum than Eight Pounds of Tobacco: To be recovered, with Costs, (if the Forfeiture exceed not Two Hundred Pounds of Tobacco,) upon a Complaint before any Justice of the Peace of the County, wherein such Refusal shall be made; and if it do exceed that Sum, by Action of Debt, in any Court of Record within this Dominion, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Collectors shall allow 8 *per Cent.* for Cask, on Penalty of forfeiting 100 *lb.* Tobacco for every 8 *lb.* due, to the Party grieved, and so *pro Rato.*

If the Forfeiture exceed not 200 *lb.* Tobacco, recoverable before a Justice of Peace, and if above that Sum, by Action of Debt, &c.

V. *AND* be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That it shall not be lawful for any Sheriff, or other Collector

Collector shall not have Liberty to

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Seize Tobacco mark'd & paid away, if other merchantable Tobacco tender'd.

as aforesaid, to make Seizure of any Hoghead of Tobacco paid away and marked, for any Levies or Fees put into his Hands to collect, although the said Levies or Fees may be levied by Distress, if the Person owing such Levies or Fees, shall, at the same Time, and on the same Plantation, where the Seizure is made, offer and tender other good and merchantable Tobaccos for Satisfaction of the same.

Surplus Tobacco in a Hoghead seized for Levies, shall be delivered or accounted for immediately, to the Owner.

VI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Sheriff, or other Collector as aforesaid, shall, for any Levies or Fees put into his Hands to collect, and which may be levied by Distress, make Seizure of an Hoghead of Tobacco, containing neat more Tobaccos, than is at that Time due to him, for such Levies or Fees, such Sheriff, or Collector, shall suffer the Debtor for such Levies or Fees, to take out of the Hoghead all such Surplus Tobaccos, or make the said Debtor immediate Satisfaction for it.

Collectors shall discount with Public or County Creditors, without Fee.

VII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That every Sheriff, or other Collector as aforesaid, having any Public or County Levies to demand of any Person, who hath Public or County Levies in his Hands, shall discount with such Creditor, the Tobaccos due for the said Levies out of the said Credit, or so much thereof as the Credit in his Hands shall amount to, without requiring or expecting any Allowance from the Creditor for the same.

For preventing Delays in the Payments due to Public or County Creditors.

VIII. *AND to the End*, no Public or County Creditor may be delayed or kept from receiving his just Dues in convenient Time, or exposed to a tedious Law Suit in recovering the same,

Every Collector shall pay such Creditors in March, and every Creditor then unpaid, may, upon Complaint to the County Court, have immediate Judgment & Costs, without other Process.

IX. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That every Sheriff, or other Collector as aforesaid, shall take care to pay and satisfy all the Public and County Creditors concerned in the Public or County Levies put into his Hands to collect, the respective Sum or Sums of Tobacco due to every of them, out of the same, some Time before the Court held for that County whereof he is Sheriff or Collector as aforesaid, in the Month of *March*, next after the Collection is put into his Hands: And that every Public or County Creditor, which shall be then unpaid by any Sheriff, or other Collector as aforesaid, upon a Complaint to that, or any succeeding Court, shall have a Judgment granted, with Costs, against such Sheriff, or other Collector as aforesaid, and his Sureties, for what shall be then due and owing, without any other Process or farther Delay; any former Law, Usage, or Custom, to the contrary, notwithstanding.

Provido, if upon such Complaint, the Sheriff is absent, he shall be ruled to answer at the next Court,

X. *PROVIDED nevertheless*, That if such Complaint be made to any Court succeeding *March* Court, and the Sheriff be then absent, he shall, by Rule of Court, be ordered to answer the Complaint, at the next Court; wherein if he fail, Judgment shall be granted to the Complainant against him and his Sureties, for what shall then appear to be due, with Costs.

For preventing Damages to Collectors, by the Neglect of Creditors, in receiving their Tobacco.

XI. *AND* forasmuch as Sheriffs, or other Collectors as aforesaid, may be prejudiced, if the Public or County Creditors, to whom they are to make Payments, neglect to receive the Tobaccos due to them when ready: For Remedy in such Cases,

If any Creditor, after 10 Days Notice,

XII. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That when any Public or County Creditor, after Ten Days Notice given by the Sheriff, or other Collector as aforesaid, that the Tobacco due to such Creditor,

Creditor, out of the Public or County Levy is ready, shall refuse or neglect to go or send to receive the same, then the Sheriff, or other Collector as aforesaid, shall at any Time afterwards have Liberty to make a Tender of the said Tobaccos to such Creditor, in Manner as is directed by an Act of this present General Assembly, intituled, *An Act for improving the Staple of Tobacco, and for regulating the Size and Tare of Tobacco Hogsheads*; and upon such Tender made and executed as aforesaid, shall have and receive the same Benefit and Advantage, that Debtors, in other Cases do, by Virtue of the said Act.

A. D. 1705.
shall neglect to receive his Tobacco, the Collector may make a Tender, as prescribed, C. 46. Sect. 6, 7, of this Session.

XIII. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the Collection of the Public and County Levies; and the Paiment of the same to the respective Creditors therein mentioned, or to any other Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to the Collection of Public and County Levies, repealed.

CHAPTER X.

An Act directing the building and maintaining of Prisons, Pillories, Whipping-Posts, Stocks, and Ducking-Stools, in every County; and for settling the Rules of Prisons.

I. **B**E it Enacted, by the Governor, Council, and Burgeses, of this General Assembly, and it is hereby Enacted, by the Authority of the same, That the Court of every County within this Dominion, at the Charge of their respective County, shall cause to be built, and from Time to Time, for ever hereafter, shall maintain and keep in good Repair, within their said County, One Common Goal, or County Prison, to be built of Brick, or Timber, after the Manner of *Virginia* Housing; the Chimnies and Windows to be strongly grated with Iron Bars, and the Doors to be well and strongly made secure with good Locks and Bars of Iron; and also the Court of every County shall cause to be built and maintained as aforesaid, within their County, (near the Court-house) One Pillory, Whipping-Post, and a Pair of Stocks: And if the Court of any County within this Dominion shall, at any Time hereafter, fail to perform their Duty herein, every Magistrate of such Court so failing, shall forfeit and pay the Sum of Five Hundred Pounds of Tobacco; One Moiety thereof to the Queen, her Heirs and Successors, for and towards the better Support of the Government, and the contingent Charges thereof; and the other Moiety to him or them that will inform or sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Dominion, in which no Effoin, Protection, or Wager of Law shall be allowed. And over and above the said Forfeiture, such Court so failing, shall be liable to pay all such Sums as shall, from Time to Time, be recovered against the Sheriff of their County, upon any Escape which shall happen for or by Reason of such Failure to cause a Prison to be built as aforesaid: Which Sum shall be recovered by the Sheriff, (against whom any Judgment for an Escape as aforesaid shall be obtained,) his Executors, and Administrators, together with all Costs and Damages thereby sustained, in the General Court, by Action of Debt, Bill, Complaint, or Information, to be brought against them, or the Sur-

Every County Court shall cause to be erected and kept in Repair in their respective Counties, a Prison, Pillory, Whipping-Post, and Stocks, at the County Charge.

Penalty on every Magistrate of the Court failing, 500 lb. Tob. One Moiety to the Crown, The other to the Informer.

And further liable for all Damages sustained by the Sheriff, upon any Escape. The General Court to award Judgment and Execution against every particular

Magistrate, or his Heirs, &c.
County Courts may erect Ducking-Stools.

vivors of them: And upon Recovery in any such Action, Bill, Complaint, or Information, the General Court is hereby empowered and required to ascertain how much every particular Magistrate then living, (and the Heirs, Executors, and Administrators of such as shall be deceased,) shall pay respectively; and accordingly, One or more Executions shall and may be issued thereupon: And if the Court of any County shall, at any Time hereafter think fit, they are hereby authorized and empowered, at the Charge of their County, to cause a Ducking-Stool to be built in such convenient Place as they shall direct.

And mark out the Prison Bounds, not exceeding 10 Acres.

Prisoners, (except Traitors, or Felons,) giving Security, &c. shall have Liberty of the Bounds.

Prison Rules shall be recorded, and the Marks renewed, from Time to Time.

All former Laws relating to Prisons, &c. repealed.

II. AND for the Preservation of the Health of such Persons, as shall, at any Time hereafter, be committed to the said County Prisons, the County Court shall have Power to mark out, by Meets and Bounds, such a Parcel of Land as they shall think fit, (not exceeding Ten Acres) adjoining to the Prison, for the Rules thereof: And every Prisoner (not committed for Treason, or Felony) giving good Security to keep within the said Rules, shall have Liberty to walk therein, out of the Prison, for the Preservation of his or her Health: And every Prisoner giving Security as aforesaid, and keeping continually within the said Rules, shall be, and is hereby adjudged and declared to be in Law, a true Prisoner: And that every Person therewith concerned, may know the true Bounds of the said Rules, the same shall be recorded in the County Records, and the Marks thereof, shall, from Time to Time, be renewed, as Occasion shall require.

III. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof, as relates to directing the building and maintaining of Prisons, Pillories, Whipping-Posts, Stocks, and Ducking-Stools, in every County, and settling the Rules of Prisons, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XI.

Repealed, Ch. 4. 1723.

An Act for the speedy and easy Prosecution of Slaves committing Capital Crimes. R E P.

C H A P. XII.

An Act to prevent the clandestine Transportation or Carrying of Persons in Debt, Servants, and Slaves, out of this Colony.

Masters of Ships, &c. shall not carry any Person out of this Colony, without a Pass, on Penalty of paying all such Persons Debts.

I. **B**E it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That no Master of a Ship, Sloop, Boat, or other Vessel, shall transport or carry any Person whatsoever, out of this Colony and Dominion, without a License or Pass for the same, signed by the Secretary of this Dominion for the Time being, or such other Person as he shall depute and authorize for that Purpose, upon Penalty of answering and paying every Debt and Duty the said Person, at going out of this Colony, shall owe, or stand obliged for, to the Queen's Majesty, her Heirs and Successors, or to any of the

the Inhabitants, Merchants, or Traders here, by Judgment on Record, Bill, Bond, Covenant, Account, or any other Ways or Means whatsoever: To be recovered against the said Master, by Action of Debt, in any Court of Record within this Colony and Dominion.

II. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted,* That after Publication of this Act, no Master of a Ship, Sloop, Boat, or other Vessel, shall transport or carry any Servant whatsoever, or any Negro, Mullatto, Indian, or other Slave, out of this Colony and Dominion, without a Licence, or Pass as aforesaid, or the Consent, Leave, or Permission of the Person or Persons to whom such Servant or Slave doth of Right belong, upon Penalty of forfeiting and paying, in Current Money, the Sum of Fifty Pounds for every Servant, and the Sum of One Hundred Pounds for every Slave transported or carried hence, contrary to this Act; One Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to the Party grieved: To be recovered, with Costs, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

4. D. 1705.
Nor any Servant, or Slave, on Penalty of 50l. for a Servant, and 100l. for a Slave.

III. *AND* that the transporting or carrying Debtors, Servants, or Slaves out of this Colony, contrary to this Act, may be the more effectually prevented,

IV. *BE it also further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That any Master of a Ship, Sloop, Boat, or other Vessel, offending therein, shall be liable to be sued at any Time, for any Debt due and owing as aforesaid, from the Person he shall transport or carry hence, contrary to this Act, and for any Forfeiture accruing, due from himself, by Virtue of this Act: And that whensoever any Action, Complaint, Information, or other Suit, shall be brought against the said Master, for or concerning the Premises, or any of them, the Court wherein the said Action, Complaint, Information, or Suit, shall be depending, shall not admit him to plead in Bar, or give in Evidence any Act for Limitation of Actions; any Law, Usage, or Custom to the contrary, notwithstanding.

Offenders against this Act, may be sued at any Time, and shall not be admitted to plead any Act of Limitation.

V. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That it shall not be lawful for the Secretary, or any Deputy appointed by him, to grant a Licence or Pass, for transporting or carrying any Person whatsoever out of this Colony, unless sufficient Bond, with Two Sureties, be given to the Secretary of this Dominion, to the Value of Two Thousand Pounds *Sterling*, with Condition to answer and pay every Debt and Duty, the said Person, at going out of this Colony, shall owe, or stand obliged for, by any Ways or Means whatsoever; or unless the said Person have a Certificate from a County Court Clerk, in the Form following;

Persons requiring a Pass, shall give Bond and Security, in the Secretary's Office, in 2000l. *Sterl.* or shall produce a Certificate from a County Court Clerk.

I A. B. Clerk of Y County Court, do hereby certify, that C. D. is, and for some Time past hath been, an Inhabitant of this County, and hath published his Intentions of going out of this Colony, according to Law. Dated this Day of

Form of the Certificate.

VI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That it shall not be lawful for any County Court Clerk to issue such Certificate for any Person whatsoever, 'till Ten Days after Publication hath been made in his County, of the said Person's Intentions to go out

Clerks shall not issue such Certificate, until 10 Days after Public Notice set up at the Court.

A. D. 1705. of this Colony, by a Note thereof set up at the County Court-house, on a Court-Day.
 house, of such Persons intending to depart the Colony.

Notwithstanding such Certificate, any Person may enter a Caveat, giving Bond and Security in 500l. and thereupon a Pass shall not issue, unless the Party stopped, give Bond and Security to the Secretary, in double the Sum claimed by the Person entering the Caveat, &c.

Provido, Securities shall be discharged, unless Prosecution is commenced within 2 Years.

Secretary shall appoint Deputies, for granting Passes, &c. on Penalty of 50l.

Secretary, or his Deputy, refusing to grant a Pass to any Person requiring the same, in Manner directed by this Act, unless Caveat be enter'd, forfeits 500l.

VII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That notwithstanding a Certificate from a County Court Clerk as aforesaid, if a Caveat be enter'd to hinder a Licence or Pass thereupon, and sufficient Bond given, with One Surety, payable to the Secretary of this Dominion, for the Sum of Five Hundred Pounds, by the Person entering the said Caveat, with Condition to answer and pay all Damages, which the Party stopped by the Caveat, shall recover, it shall not then be lawful for the Secretary, if the said Caveat be entered with him, or any of his Deputies, with whom the said Caveat shall be entered, to grant a Licence or Pass upon the said Certificate, unless the Party so stopped, shall give sufficient Bond, with One Surety also, to the Secretary of this Dominion, for double the Sum claimed by the Person entering the Caveat, with Condition to answer and pay whatever the said Person shall recover of his pretended Claim.

VIII. *PROVIDED always, and it is hereby Enacted and Declared*, That the said Surety, or any other Sureties for Persons going out of this Colony, after the Expiration of Two Years, shall be discharged and acquitted from all Claims and Demands whatsoever, which may or can be brought against them, by Virtue of their being Sureties as aforesaid, except such, for which Suit shall be then depending, or for which, Suit hath been commenced within that Time; any Law, Usage, or Custom to the contrary, notwithstanding.

IX. *AND for the greater Ease of the Inhabitants of this Colony and Dominion, in procuring a Licence or Pass, when Need shall be,*

X. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the Secretary of this Dominion for the Time being, shall appoint, have, and keep, in each District of the Colony, at least, One Deputy, for granting Licences or Passes, according to this Act, to any Person within the District: And that if for the Space of Two Months after Publication of this Act, he shall fail to appoint Deputies, according to this Act; or having appointed the said Deputies, shall fail to signify to the several County Court Clerks in each District, what Person he hath appointed for the District; or shall fail, when a Vacancy happens in a District, within Two Months after the Vacancy, to appoint another Deputy for the said District; or to signify his said Appointment to the several County Court Clerks within the District as aforesaid, he shall forfeit and pay Fifty Pounds Current Money, for every such Failure; One Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him, her, or them that shall inform or sue for the same, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, Privilege, or Wager of Law, or any more than One Imparlance, shall be allowed.

XI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Person, desirous to go out of this Colony and Dominion, in order to obtain a Licence or Pass for it, shall offer to give Bond, with Sureties, or produce a County Court Clerk's Certificate, according to this Act; and the Secretary, or his Deputy, to whom such Bond shall be offered, or Certificate produced, shall refuse to grant a Licence or Pass thereupon, unless Caveat be entered, according to this Act, to hinder the same, the Secretary, or his Deputy, offending therein, shall forfeit and pay Five Hundred

dred Pounds current Money; One Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to the Party grieved, prosecuting within Six Months next ensuing the Offence committed; and afterwards, to the said Party, or any other Informer: To be recovered, with Costs, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or any more than One Imparlance shall be allowed.

A. D. 1705.

XII. AND to the End, every Master of a Ship, Sloop, Boat, or other Vessel, which shall lawfully transport or carry any Person out of this Colony, may be the better enabled to manifest the same, if questioned, after he hath lost his Licence or Pass,

For indemnifying Masters of Ships, &c. on the Loss of any Pass.

XIII. BE it Enacted, by the Authority aforesaid, and it is hereby Enacted, That the County Court Clerks shall register, in their respective Offices, all Certificates by them issued, in Pursuance of this Act; that the Secretary's Deputies shall, in October General Court, Annually return Certificates of all the Licences or Passes by them respectively granted the Year before, to the Secretary's Office; that the Clerk of the said Office shall there register all the said Certificates, as they come to his Hands, or within a reasonable Time after; and that if the Secretary shall grant any Licence or Pass himself, he shall take care a Certificate thereof be register'd in the Secretary's Office within a Year after the granting it: And if any of the Persons aforesaid, shall at any Time fail to perform the respective Duty of his Office as aforesaid, in any Particular, for every such Failure, he shall forfeit and pay the Sum of Five Pounds current Money; One Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to the Informer: To be recovered, with Costs, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

County Court Clerks shall register all Certificates by them issued; and the Secretary's Deputies shall Annually certify all Passes by them granted, to be registered in the Office; & the Secretary shall cause to be registered any Pass granted by himself. Penalty, on Failure, 5l. to the Crown, and Informer.

XIV. AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the clandestine Transportation, or Carrying of Persons in Debt, Servants, and Slaves, out of this Colony, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to Transportation, &c. repealed. Vid. Ch. 4. 1726.

C H A P. XIII.

An Act concerning Waists and Strays.

I. BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That every Person that shall take up any Stray Horse, Mare, or Cattle, or Boat adrift, shall cause the same with the Description thereof, viz. the Mark, Stature, and Colour of the Horses, Mares, and Cattle, and the Burthen and Built of the Boat, to be published, by setting up a Note or Advertisement thereof, at each Church or Chapel in the County, Two Sundays, or Sermon Days successively, within One Month after the taking up such Horses, Mares, Cattle, or Boat; and if no Owner appear upon such public

Notice

Strays and Boats shall be advertised 2 Sundays successively, at each Church or Chapel in the County, within One Month after taking up, & if no Owner then appear, at the next County Court.

A. D. 1705.

5s. Reward
to be paid by
the Owner.

Penalty, on
Failure of ad-
vertising, or
on making
use of any
Stray, or Boat,
15s. recover-
able before a
Justice, with
Costs.

And double
Damages.

If no Owner
appear within
12 Months,
the Taker-up
shall have the
Strays, &c.

appraised, &
then the Pro-
perty there-
of, but an-
swerable to

the Owner for
the Valuation,
deducting the
Reward, &c.

All former
Laws relating
to Strays, &c.
repealed.

Notice given, shall then publish the same at the next County Court, and set up, in Writing, at the said Court Door, One whole Court Day: And for a Reward of taking up the same, shall be paid, by the Owner, Five Shillings for every such Horse, Mare, and Boat; and every Person making Default herein, or making use of any such stray Horses, Mares, or Cattle, or drift Boat, shall forfeit and pay, for every such Horse, Mare, and Head of Cattle so taken up astray, and every Boat so taken up adrift, the Sum of Fifteen Shillings current Money, to the Informer: To be recovered, with Costs, before a Justice of the Peace of the County where the Offence is committed; and moreover, shall pay double Damages to the Owner.

II. *PROVIDED* always, and be it Enacted, That when any Horses, Mares, and Cattle, being above Two Years old, shall be taken up astray, or Boat adrift, and so published, and no Owner appear, to make his or her Claim, within One Year after such taking up, the Taker-up shall, by Warrant from a Justice of the Peace of that County, have such Horses, Mares, Cattle, and Boat appraised; and shall then have the Property of such Horses, Mares, Cattle, and Boat, and shall only be answerable to the Owner, for the Valuation thereof, after the Abatement of the Reward for taking up the same.

III. *AND* be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to Waifs and Strays; or any other Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XIV.

An Act against stealing Hogs.

Hog-steal-
ing. 1st Of-
fence, 25
Lashes, or 10l.
and if a Ne-
gro, Mullatto,
or Indian, 39
Lashes; and
also 400 lb.
Tob. for eve-
ry Hog, &c.

One Moiety
to the Owner,
the other to
the Informer.

2d Offence,
Pillory Two
Hours, both
Ears nailed
thereto, and
then cut loose.

County
Courts may
award Execu-
tion: Saving
Liberty of
Appeal to the
General
Court.

I. *BE* it Enacted, by the Governor, Council, and Burgesses, of this pre-
sent General Assembly, and it is hereby Enacted, by the authority
of the same, That if any Person or Persons shall, from and after the Publi-
cation of this Act, steal any Hog, Shoat, or Pig, every Person so offending,
shall, for the First Offence, receive on his or her bare Back, Twenty Five
Lashes, or pay down Ten Pounds current Money of *Virginia*; and if a Ne-
gro, Mullatto, or *Indian*, Thirty Nine Lashes well laid on, at the common
Whipping-Post of the County wherein such Offence shall be committed, or
the Party offending, arrested; and moreover, shall pay and satisfy Four Hun-
dred Pounds of Tobacco, for every such Hog, Shoat, and Pig; One Half of
the afore-mentioned Fine to be to the Owner of such Hog, Shoat, or Pig;
and the other Half to the Informer: To be recovered, with Costs, at the Suit
of the Informer, by Action of Debt, Bill, Plaint, or Information, in any
Court of Record in this Her Majesty's Colony and Dominion, wherein no
Essoin, Protection, or Wager of Law, shall be allowed. And if any Person
or Persons, shall the Second Time offend, by stealing any Hog, Shoat, or
Pig, he or she so offending, and being thereof the Second Time convicted,
shall stand Two Hours in the Pillory, on a Court Day, and have both Ears
nailed thereto, and at the End of the said Two Hours, have the Ears cut
loose from the Nails: Which Judgment, the County Courts in this Colony,
are hereby impowered to give respectively, and to award Execution thereon
accordingly: Saving always and reserving to each Party concerned, Liberty
of

of appealing to the General Court; provided they give Bond, with good Security, in the Sum of Twenty Pounds *Sterling*, for his or her Personal Appearance in the General Court, according to the Appeal, and to perform and abide what they shall award therein; and moreover, each Party offending as aforesaid, shall pay and satisfy Four Hundred Pounds of Tobacco for every such Hog, Shoat, and Pig: To be recovered and divided as aforesaid.

A. D. 1705.
And also
400 lb. Tobacco per
Hog, &c. to
the Owner,
and Informer.

II. AND if in either of the said Cases, *to wit*, the First or Second Offence of Hog-stealing, the Person offending, be a Servant by Indenture, or Custom, &c. then the Master or Owner of such Servant shall pay and satisfy the said Four Hundred Pounds of Tobacco, and shall be satisfy'd for the same again, by Service of the said Servant, after the Rate of One Hundred and Fifty Pounds of Tobacco for One Month's Service; and Judgment shall go accordingly.

If the Offender be a Servant, the Fine shall be paid by his Master, and repaid in Service, at 150 lb. Tobacco per Month.

III. AND if such Person so offending, be a Slave, then the Owner of such Slave shall pay and satisfy Two Hundred Pounds of Tobacco to the Owner of the Hog; and Judgment shall go accordingly.

And if a Slave, 200 lb. Tobacco to be paid by the Master, to the Owner of the Hog.

IV. AND if there be more Actors than One in the same Offence of Hog-stealing, though it be but for One Hog, Shoat, or Pig, *It is hereby Enacted and Declared*, That each Person shall be adjudged to the Punishment and whole Fine, and may be particularly prosecuted.

If several Offenders, each Person may be particularly prosecuted and punished.

V. *PROVIDED always*, That this Clause shall not be construed to extend to Owners of Slaves paying more than once for One Hog; but that having paid once Two Hundred Pounds of Tobacco for each Hog so stolen, shall be acquit: And if Slaves of several Masters be concerned together in One Offence of Hog-stealing, then the Pay for such Hog or Hogs, shall be paid by the Owners of such Slaves, in Proportion.

Provido, Owners of Slaves shall only pay 200 lb. Tobacco for one Hog; and if Slaves of several Masters offend, each to pay a proportionable Part.

VI. AND if any Person or Persons shall the Third Time offend, by stealing a Hog, Shoat, or Pig, he or she so offending, shall be adjudged a Felon, and shall suffer Death, as in the Case of Felony.

3d Offence, Felony.

VII. AND for the more effectual Prevention of Hog-stealing, *Be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Person or Persons shall bring, or cause to be brought, to his or her own House, or any other House of Reception, any Hog, Shoat, or Pig, without Ears, or shall receive any such, and shall not immediately discover the same to a Justice of the Peace of the County, he, she, and they so offending, shall, by Virtue of this Act, be adjudged a Hog-stealer, and shall suffer the Pains, Penalties, and Forfeitures accordingly.

Persons bringing home, or receiving any Hog, &c. without Ears, and not discovering the same to a Justice of Peace, deemed Hog-stealers.

VIII. *PROVIDED nevertheless*, That if any Person or Persons so bringing, causing to be brought, or receiving such Hog without Ears, shall be able to prove the lawful Propriety of the said Hog, to be in him, her, or themselves, he, she, and they shall not then, in such Case, be liable to any Pains, Penalties, or Forfeitures mentioned in this Act; any Thing therein contained to the contrary thereof, in any-wise, notwithstanding.

But not to hinder Persons from bringing home their own Hogs.

IX. AND whereas many of the tributary *Indians* keep Hogs, and are suspected, on Pretence thereof, to steal and destroy the Stocks of the *English*,

X. *BE it therefore further Enacted*, That all *Indians* whatsoever, keeping any Hogs, shall give them the same Mark, which hath been, or by the

Indians Hogs shall be marked with the next common

A. D. 1705.
 Mark allowed
 to each re-
 spective
 Town; and
 whoever buys
 or receives
 Pork from an
 Indian, and
 cannot prove
 it was so mark-
 ed, forfeits
 1000 lb. Tob.
 to the Crown,
 and Informer.

Hunting,
 Shooting, &c.
 unmarked
 Hogs upon o-
 ther Persons
 Lands, prohi-
 bited, on Pe-
 nalty of
 1000 lb. Tob.

Whoever
 kills such Hogs
 upon his own
 or unpatented
 Lands, shall,
 within Three
 Months, noti-
 fy the same,
 upon Oath, to
 a Justice of
 Peace, and
 obtain Certi-
 ficate thereof,
 on Penalty of
 being deemed
 a Hog-stealer.

All former
 Laws relating
 to Hog steal-
 ing, repealed.

next adjacent County Court, shall be allowed to their Town: And if any Person, not being an *Indian*, shall buy or receive from any *Indian*, any Pork, and cannot prove such Pork to be of the proper Mark of the Town of *Indians* to which such *Indian* shall belong, he or she so offending, shall forfeit and pay One Thousand Pounds of Tobacco; One Half thereof to be to the Queen, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

XI. *AND be it further Enacted and Declared*, That it shall not be lawful for any Person to hunt, shoot, or kill, any unmarked Hog, Shoat, or Pig, if the same shall be found, either in Company of the Hogs, or ranging upon the Land of any other Person, on Pain of being fined One Thousand Pounds of Tobacco for every such Offence: To be recovered, with Costs, at the Suit of the Informer, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Colony and Dominion. And if any Person kills any unmark'd Hog or Shoat, ranging upon his or her Land, or upon any unpatented Lands, and being either alone or in Company of his or her own Hogs, or of other unmarked Hogs, (in all which Cases it is lawful to hunt or kill unmark'd Hogs or Shoats) such Person shall, within Three Months then next coming, give an Account thereof, upon Oath, to some Justice of the Peace of the County, and shall take a Certificate thereof accordingly, for his or her Justification: And every Person failing to do what is enjoined in this Case, is hereby declared to be a Hog-stealer, and shall suffer the Pains, Penalties, and Forfeitures accordingly.

XII. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to stealing Hogs, or to any other Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XV.

An Act for Prevention of Trespases by unruly Horses, Cattle, Hogs, Sheep, and Goats; and by taking away Boats and Canoes.

Lawful Fen-
 ces shall be 4
 Foot $\frac{1}{2}$ high,
 or else a Fence
 of 2 Foot $\frac{1}{2}$, or
 a Hedge of 2
 Foot high, up-
 on a Ditch 3
 Foot deep, &
 3 Foot broad,
 and so close,
 that Hogs,
 &c. cannot
 creep thro'.
 Owners of
 Horses, &c.
 breaking such

I. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That if any Horses, Mares, Cattle, Hogs, Sheep, or Goats, shall break into any Grounds, being inclosed with a strong and sound Fence, Four Foot and half high, and so close that the Beasts or Kine breaking into the same, could not creep through; or with an Hedge Two Foot high, upon a Ditch of Three Foot deep, and Three Foot broad, or instead of such Hedge, a Rail Fence of Two Foot and half high, the Hedge or Fence being so close that none of the Creatures aforesaid can creep through, (which shall be accounted a lawful Fence,) the Owner of the said Horses, Mares, Cattle, Hogs, Sheep, or Goats, and of any One of them, shall, for the first Trespass by any of them committed, make Reparation to the Party injured, for the true Value

Value of the Damage he shall sustain, with Costs of Suit; and for every Trespass afterwards, double Damages, and Costs of Suit: To be recovered in any Court of Record in this Her Majesty's Colony and Dominion, in such Manner as the Law, in the like Cases, directs.

of the Damage; and for every Trespass thereafter, double Damages,

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Inclosures, shall, for the First Trespass, pay the Value and Costs.

II. *PROVIDED* always, and it is hereby intended, That for a Third Offence of any one or more Horses, Mares, Cattle, Hogs, Sheep, or Goats, breaking into Inclosures as aforesaid, and barking Fruit-Trees, it shall be at the Election of the Party injured, to sue for his Damages, or to kill and destroy the Beasts or Kine so trespassing, without being answerable to any One for the same.

On a 3d Offence, the Party injured may sue for Damages, or destroy the Beasts.

III. *AND* to the End, that the Condition of the Fence, at the Time of the Trespass committed, may be proved to a Jury, upon Trial, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That upon Complaint made by the Party injured, before any Justice of the Peace for that County wherein the Trespass shall be committed, the said Justice of Peace is hereby impowered and required to issue his Order, without Delay, to Three honest House-keepers of the Neighbourhood, who are no Ways related to the Party injured, nor interested concerning the Trespass, reciting the Complaint, and requiring them to view the Fence where the Trespass is complained of, and to take Memorandums of the same; and their Depositions, in such Case, shall be good Evidence to the Jury, as touching the Lawfulness of the Fence.

Justice of Peace, upon Complaint, may order 3 House-keepers, to view the Fence where a Trespass is committed.

IV. *AND* be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Person damnified, for Want of such sufficient Fence, shall hurt, wound, lame, kill, or destroy, or cause to be hurt, wounded, lamed, killed, or destroyed, by shooting, hunting with Dogs, or otherwise, any of the Kind or Breed of Horses, Cattle, Sheep, Goats, or Hogs, he, she, or they so offending, shall pay and satisfy to the Owner of the Creature so hurt, wounded, lamed, killed, or destroyed, double Damages, with Costs; recoverable as aforesaid: Except the Damage alledged, be under Twenty Shillings; and then recoverable before any Two Justices of the County, *Quorum unus*.

Persons damnified for Want of a lawful Fence, shall not hurt or kill the Beasts, on Penalty of double Damages and Costs to the Owner.

Damage under 20s. recoverable before 2 Justices, *Quorum unus*.

V. *AND* be it also further Enacted, by the Authority aforesaid, and it is hereby Enacted, That all Persons whatsoever, Owners of Horses, Mares, Cattle, or other Beasts, which are known to have barked Fruit-Trees, shall be and are hereby obliged to keep the said Horses, Mares, Cattle, and other Beasts, within their own fenced Ground.

Owners of Horses, &c. known to have bark'd Fruit Trees, shall keep such within their fenced Grounds.

VI. *AND* be it also Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Person shall take up any Horse, Mare, Kine, or other Beast, that hath been known barking Fruit-Trees, and shall deliver the same to the Owner thereof, the said Owner shall pay to the Taker-up, One Hundred Pounds of Tobacco, for every Beast so taken up and delivered: Recoverable, with Costs, before any Justice of the County wherein the Beast was taken up, or the Owner lives.

100l. Tob. shall be paid by the Owner, to the Taker-up, for every Beast barking Fruit-Trees; recoverable before a Justice of Peace.

VII. *PROVIDED* always, That if it be required, the said Taker-up of such Horse, Mare, or other Beast, shall make Oath before the said Justice, of his taking up the same; and that no Means were, by himself, or any other Person that he knows of, used, to set the same at large; otherwise shall lose the said Reward of One Hundred Pounds of Tobacco.

Provido, the Taker-up shall make Oath, &c.

U

VIII. *AND*

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Every Person taking, without Leave, any Boat or Canoe, forfeits 300^l. Tob. to the Crown, besides Damages and Charges.

If the Offender be a Servant, the Forfeiture, &c. shall be paid in Service; & if there be

All former Laws relating to Trespasses by Horses, &c. repealed.

VIII. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted,* That every Person whatsoever, that shall, without the Leave of the Owner, take away any Boat, or Canoe, shall pay to the said Owner of such Boat, or Canoe, for every such Offence, Five Hundred Pounds of Tobacco, over and above the Damage the said Boat, or Canoe, shall sustain, and over and above the Charge of regaining and bringing her back again: And if such Person trespassing, be a Servant, he or she shall make the like Satisfaction, by his or her Service, when the Time due to his or her Master shall be expired: And if there be several Actors in one trespassing or taking away the Boat, or Canoe, at one Time, it is hereby declared, that every Person shall pay the whole Fine.

Several Offenders in one Trespass, each Person shall pay the whole Fine.

IX. *AND be it further Enacted,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to Trespasses by unruly Horses, Cattle, Hogs, Sheep, and Goats; or to taking away Boats and Canoes; or to any other Matter or Thing within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XVI.

Repealed,
Ch. 6. 1720.

An Act giving a Reward for killing of Wolves. R E P.

C H A P. XVII.

An Act for Encouragement of the Land Frontiers.

Preamble.

I. **W**HEREAS the Counties on the Land Frontiers in this Colony, are exposed to many Dangers, from the Incursions of *Indian* Enemies, whereby the Trouble and Charge of the Inhabitants of those Counties are far greater than others of the Inland Parts of the Country; and whereas the Augmenting and Enlarging the said Frontier Counties will very much add to their Strength and Safety, by increasing their Militia, and thereby render the Duty they are often obliged unto, less burthensome to the Inhabitants in general: Therefore, as an Encouragement to the aforesaid Frontier Plantations,

On a Division of Frontier Counties, at least 800 Tithables, shall be in the Upper County; and the Charge of Public Buildings to be equally divided.

II. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That no County on the Land Frontiers, shall hereafter be divided, unless there shall be left in the Upper County, at least Eight Hundred Tithable Persons; and unless the whole County, as it stood before the Division, be obliged equally to contribute to the building a decent Church, Court-house, and Prison, in such Frontier County, after the Form and Manner now generally used within this Colony.

Upper Inhabitants praying for a Division, shall

III. *PROVIDED always,* That if the Upper Inhabitants of any County, shall seek the Division of themselves, they shall not then be intitled to any Privilege, by Virtue of this Act.
not be entitled to any Privileges given by this Act.

C H A P.

A. D. 1705.

C H A P. XVIII.

An Act directing the building an House for the Governor of this Colony and Dominion. E X P. Effectd.

C H A P. XIX.

An Act for establishing the General Court, and for regulating and settling the Proceedings therein.

I. **F**OR a speedy and regular Determination of all Controversies and Differences between any Persons; and for continuing, constituting, and erecting such Courts as shall be competent and necessary, to hear and adjudge all such Causes as shall be brought before them, For the regular Determination of Suits, &c.

II. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That at some one certain Place, to be lawfully appointed, and at such Times as herein after directed, there shall be held one principal Court of Judicature, for this Her Majesty's Colony and Dominion of *Virginia*; which Court shall be, and is hereby established, by the Name of The General Court of *Virginia*; and shall consist of Her Majesty's Governor, or Commander in Chief, and the Council, for the Time being, any Five of them to be a *Quorum*; and they are hereby declared and appointed Judges or Justices, to hear and determine all Suits and Controversies which shall be depending in the said Court. The General Court of Virginia established, consisting of the Governor and Council, for the Time being, any 5 of them to be a *Quorum*.

III. *AND be it Enacted,* That every Person, which shall, from Time to Time, or at any Time hereafter, enjoy the Office of a Judge or Justice of the said General Court, at and before his Entering into and upon the said Office, shall take the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy; and shall make and subscribe the Declaration appointed by One Act of Parliament, made in the Twenty-Fifth Year of the Reign of the late King *Charles* the Second, intituled, *An Act preventing Dangers which may happen from Popish Recusants*, and the Oath mentioned in an Act of Parliament, intituled, *An Act to declare the Alteration in the Oath appointed to be taken by the Act*, intituled, *An Act for the further Security of Her Majesty's Person, and the Succession of the Crown in the Protestant Line*; and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors; and for declaring the Association to be determined. And if any Person whatsoever shall presume to sit, judge, decree, direct, act, or do, any manner of Act or Acts, Thing or Things whatsoever, appertaining and properly belonging to the Office of a Judge or Justice of the said General Court, before he hath taken the said Oaths, and every of them; every Person so presuming to sit, judge, decree, direct, act, or do, as aforesaid, without taking the Oaths, and making and subscribing the Declaration afore-mentioned, and every of them, shall, for every such Offence, be fined Five Hundred Pounds *Sterling*; One Moiety thereof to Her Majesty, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Justices of the General Court shall take the Oaths appointed by Act of Parliament, &c.

Persons sitting and acting as Justices of the General Court, before taking the Oaths, &c. forfeit 500l. *Sterl.*

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Charges thereof; and the other Moiety thereof to him or them that shall inform, or sue for the same.

But if any of the said Oaths &c. shall be altered or repealed by Act of Parliament, such Alteration shall extend to this Colony.

The Authority and Jurisdiction of the General Court.

IV. *PROVIDED always*, That if the said Oaths, Declaration, or any of them, shall be abrogated by Authority of the Parliament of *England*, or become otherwise void, the same shall also be adjudged, deemed, and taken to be abrogated, and to become void in this Colony and Dominion also.

V. *AND be it further Enacted*, That the said General Court shall take Cognizance of, and are hereby declared to have full Power and lawful Authority and Jurisdiction, to hear and determine, all Causes, Matters, and Things whatsoever, relating to or concerning any Person or Persons, Ecclesiastic or Civil, or to any other Persons or Things, of what Nature soever the same shall be, whether the same be brought before them by original Process, or Appeal from any other Court, or by any other Ways and Means whatsoever.

No original Process shall be brought in the General Court, for less than 10*l.* *Ster.*

VI. *PROVIDED always*, That no Person shall take original Process, for the Trial of any Thing in the General Court, of less Value than Ten Pounds *Sterling*, or Two Thousand Pounds of Tobacco, on Penalty of having such Suit dismissed, and the Plaintiff being nonsuited, and paying Costs of Suit.

or 2000*lb.* Tob. on Penalty of a Nonsuit, and Payment of Costs.

But County Courts, or Vestries, may be sued for Breach of Penal Laws, altho' the Forfeiture be of less Value.

VII. *PROVIDED always*, That if the Justices of any County Court, or the Vestry of any Parish, shall become liable to Prosecution for the Breach of any Penal Law, relating to their Office; in such Case, it shall and may be lawful for Her Majesty's Attorney-General, or any other Person or Persons thereunto permitted or impowered by Law, to inform or sue in the General Court, for the Penalty due on the Breach of such Penal Law, although it be of less Value than Ten Pounds *Sterling*, or Two Thousand Pounds of Tobacco; any Thing herein contained to the contrary, notwithstanding.

General Courts shall begin April 15, & October 15, Annually; and each Court shall continue to be held 18 Days, *Sundays* exclusive.

VIII. *AND be it further Enacted*, That the said General Court shall be held Two Times every Year; *to wit*, One Court shall begin upon the Fifteenth Day of *April*, if not on a *Sunday*, and then on the *Monday* thereafter, and shall continue to be held Eighteen Natural Days, *Sundays* exclusive; and One other Court shall begin on the Fifteenth Day of *October*, if not on a *Sunday*, and then on *Monday* thereafter, and shall continue to be held Eighteen Natural Days, *Sundays* exclusive.

But if the Business of the Court is ended in less Time, they may adjourn.

IX. *PROVIDED nevertheless*, That if all Suits, and other Matters depending in the said Courts, shall be ended in less Time than the Days appointed by this Act, for them to sit; in such Case, it shall be lawful for the said Judges or Justices to adjourn until the next succeeding General Court.

Other Oaths to be taken by every Judge of the General Court.

X. *AND be it further Enacted*, That the said Judges or Justices, and every One of them, at the Time of his or their Entering into and upon his and their Office or Offices, shall take the following Oaths, and every of them, for the due Execution of his and their said Office and Offices, under the like Fine, Penalty, and Forfeiture, as is before mentioned, for not taking the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Supremacy and Allegiance: To be recovered and divided in the same Manner.

The

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The Oath of a Judge of the General Court.

The Oath
of a Judge.

YOU shall swear, That you will well and truly serve our Sovereign Lady the Queen, and her People, in the Office of a Judge or Justice of the General Court of Virginia; and you shall not council or assent to any Thing, the which might turn to the Hurt or Disheriting of the Queen, by any Way or Colour; and you shall do equal Law, and Execution of Right, to all the Queen's Subjects, rich and poor, without having Regard to any Person: You shall not take, by your self; or by any other Person, any Gift or Reward, of Gold, Silver, or any other Thing, (except Meat and Drink, and that but of small Value :) You shall not take any Fees, or other Gratuity, of any Person, great or small, except such Salary as shall be by Law appointed: You shall not maintain, by your self, or any other, privily or openly, any Plea or Quarrel hanging in any of the Queen's Courts: You shall not delay any Person of common Right for the Letters of the Queen, her Governor of this Country, or of any other Person, nor for any other Cause: And in case any Letter come to you, contrary to the Law, you shall nothing do for such Letter, but you shall proceed to do the Law, the said Letters notwithstanding: And lastly, in all Things belonging to your said Office, during your Continuance therein, you shall faithfully, justly, and truly, according to the best of your Skill and Judgment, do equal and impartial Justice, without Fraud. So help you God.

The Oath of a Judge of the General Court, in Chancery.

The Oath
of a Judge, in
Chancery.

YOU shall swear, That well and truly you will serve our Sovereign Lady the Queen, and her People, in the Office of a Judge or Justice of the General Court of Virginia, in Chancery; and that you will do equal Right to all Manner of People, great and small, high and low, rich and poor, according to Equity and good Conscience, and the Laws and Usages of this Colony and Dominion of Virginia, without Favour, Affection, or Partiality. So help you God.

XI. AND for the more easy and regular Prosecution and Determination of all Suits and Actions in the General Court,

XII. BE it Enacted, by the Authority aforesaid, That all original Process, (either by Writ, Summons, or any other Manner or Means, to bring any Person or Persons whatsoever, to answer any Action, Suit, Information, Bill, or Plaint, in the General Court,) and all Executions, and all Attachments awarded by the General Court, at the Common Law, and all manner of Subpœnas, Attachments, and other Process in Chancery, and all and every other Process whatsoever, regularly and legally belonging or appertaining to, or for, or concerning any Cause, Suit, Matter, or Thing depending, or to be depending, or prosecuted, in the General Court, shall be issued from the Secretary's Office, signed by the Clerk of the General Court; and shall also be again returned into the same Office and Offices, whence the same were issued.

All Writs
shall be issued
from the Se-
cretary's Of-
fice, sign'd by
the Clerk of
the General
Court, and re-
turnable to
the same Of-
fice.

XIII. AND be it further Enacted, That if any Action, Suit, Bill, Plaint, Information, or any other Thing, shall be commenced, brought, had, or made, against any Person being a Member of Her Majesty's Council of State within this Colony and Dominion; then, instead of any other Process which might be legally taken in like Case against any other Person, the Clerk of the General Court shall issue a Summons, to the Sheriff of the County where such

Process a-
gainst a Coun-
cillor shall be
by Summons,
and Attach-
ment on Fail-
ure of appear-
ance, &c.

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such Councillor usually resides, reciting the Matter or Cause charged against him, and summoning him to appear and answer the same, upon such a certain Day of the General Court as shall be therein mentioned: And if the said Councillor shall not appear at the Day, according to the said Summons, then it shall be lawful for the Court to issue an Attachment against the Estate of every such Councillor so failing to appear; and thereafter, the Proceedings in such Cases, shall be in the same Manner, as upon the Sheriff's returning *Non est inventus*, on any ordinary Process.

Process against a Sheriff, shall be in the same Manner, and directed to the Coroner of the County.

XIV. AND for the Prosecution of any Action, Suit, Bill, Complaint, Information, or any other Thing of the like Nature, against the Sheriff of any County, the like Process shall be issued by the Clerk of the General Court, to the Coroner of the County where the Sheriff resides; and thereupon the like Proceedings shall be had against such Sheriff, in the same Manner as is before directed, concerning the Members of the Council.

Rules for issuing Writs, &c.

XV. AND be it further Enacted, That the Clerk of the General Court shall not issue Writs, Subpœnas, or any other original Process, for more than Twelve Suits or Actions returnable to any one Day of the General Court; neither shall he issue such Process returnable to any Day, except there shall have theretofore issued Process for Twelve Suits or Actions returnable to every preceeding Day of that General Court.

How Process shall be executed and return'd.

Vid. 1 Geo. 2. cap. 3.

XVI. AND be it further Enacted, That all Process whatsoever, returnable to the General Court, shall be executed, at least Ten Days before the Day mentioned therein for the Return thereof; and if any Process shall be delivered to any Sheriff, or other Officer, so late that he cannot execute the same Ten Days before the Day of the Return, then it shall not be lawful for such Sheriff, or other Officer, to execute the same, but he shall make Return thereupon, according to the Truth of the Case: And if any Person takes out any original Process whilst the General Court is sitting, or within Ten Days before the Beginning of any General Court, such Process shall be made returnable to the next General Court after that then sitting, or beginning within Ten Days, as aforesaid, and not otherwise: And all such Process issued and made returnable, otherwise than is herein directed, shall be, to all Intents and Purposes, null and void.

Judges of the General Court, Justices of Peace, and other lawful Officers, may apprehend Criminals, and bind them to an Appearance, at the General Court.

XVII. PROVIDED always, That nothing herein contained, shall be construed, deemed, or taken, to extend to the disabling or incapacitating any Judge or Justice of the General Court, or any Justice of the Peace, or other Officer, having lawful Authority for the same, to apprehend, or cause to be apprehended, any Traitor, Felon, Pirate, Rioter, Breaker of the Peace, or any other criminal Offender; but that all and every such Offender or Offenders, shall and may be bound over to appear at the General Court, in like Manner as heretofore hath, or might have been, lawfully practised, according to the Laws of England.

XVIII. PROVIDED also, That nothing herein, shall be construed to invalidate or vitiate any Writ, Process, Warrant, or other Mandate or Precept, which shall be issued, made, or given, by any one or more of the Judges or Justices of the General Court, returnable to the General Court.

Criminal Prosecutions, &c. shall be returnable to the 4th Day of the Court.

XIX. PROVIDED also, That nothing herein contained, shall be construed to prohibit the Clerk of the General Court from issuing Process for any more than Twelve Actions, Suits, or Prosecutions, in Her Majesty's Behalf, returnable to the Fourth Day of the General Court; but that it shall and may

may be lawful to and for Her Majesty's Attorney-General, for the Time being, or any other Person prosecuting, on Her Majesty's Behalf, to take Process for any Treason, Murder, Felony, Piracy, Breach of the Peace, Misdemeanor, or Contempt, returnable to the Fourth Day of the General Court, although there shall be theretofore issued Process for Twelve, or more Actions, Suits, or Prosecutions, returnable to the same Day; any Thing herein contained to the contrary, in any-wise, notwithstanding.

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XX. AND because many Controversies may arise, concerning the Manner of accounting any Number of Days, that is hereby, or in any other Act of Assembly hereafter shall be set, for issuing, serving, or returning of Process, for filing Declarations, or other Matters or Things of the like Nature: Therefore,

Forascertain-
ing in what
Manner the
Number of
Days, limited
by Law, shall
be accounted,

XXI. BE it Enacted, by the Authority aforesaid, That in all Cases, where there is, or shall be, a certain Number of Days appointed, either for issuing, executing, or returning of Process, filing Declarations or Pleas, or for any other Matter or Thing whatsoever, such Number of Days shall be accounted by Natural Days, exclusive of the Days of issuing, executing, and returning of such Process; and so in like manner for all other Cases.

The Days of
issuing, exe-
cuting, or re-
turning any
Writ, &c. &
of filing De-
clarations, &c.
shall be ex-
cluded.

XXII. AND be it further Enacted, by the Authority aforesaid, That upon the issuing of Process to any Sheriff, for attaching the Body of any one or more Person or Persons, to answer any Suit, Action, Complaint, or Information, if such Sheriff, upon the Execution of the Process, shall return Bail by him taken, for the Appearance of such Person or Persons so attached, and the said Person or Persons shall fail to appear accordingly, then Judgment shall be given against such Bail, for what shall appear to be justly due to the Plaintiff or Prosecutor, at the next Court; on Condition, that if such Person or Persons so attached as aforesaid, shall make his, her, or their Personal Appearance at the next Court after such Judgment shall be given against the Bail, as aforesaid, then the Bail shall be discharged; otherwise the Bail shall have the same Liberty of defending himself, that the principal Defendant might have had, if he had appeared; and then the Judgment shall be confirmed against the Bail for what shall appear due to the Plaintiff or Prosecutor: And if the Sheriff, upon the Execution of the Process, shall not return any Bail, and the Defendant shall fail to appear, then Judgment shall be given against the Sheriff, in the same Manner, and with the same Condition, that is before expressed, against the Bail. And in case the Person or Persons attached, shall fail to appear at the next Court after such Judgment against the Sheriff, then the Sheriff shall have the same Liberty, and be liable to the like Judgment as is before directed, for and against the Bail: And if the Sheriff depart this Life before such Judgment be confirmed against him, in such Case, it shall and may be lawful to confirm such Judgment as aforesaid, against the Executors and Administrators of the said Sheriff: And if there shall not any Will be proved, or Administration of his Estate granted, then it shall be lawful to confirm the said Judgment against the Estate of the said Sheriff; and accordingly a Writ of *Fieri Facias* shall and may issue to seize and levy so much of the Goods and Chattels of the deceased Sheriff, as will satisfy the said Judgment, and every Part thereof.

Sheriff shall
return the
Names of the
Bail by him
taken, and the
Bail so return-
ed, shall be
subject to the
same Judg-
ment and Re-
covery, and
have the same
Liberty of De-
fence, as the
Defendant
might have, or
be subject to.

But the Bail
shall be dis-
charged, by
the Personal
Appearance
of the Defen-
dant, at the
next Court af-
ter Judgment
given against
the Bail.

If the Sheriff
shall not re-
turn Bail, and
the Defendant
fails to appear,
the Sheriff
shall be sub-
ject to the
Judgment &
Recovery.

If the Sheriff
dies before

Judgment confirm'd against him, then such Judgment shall be given against his Executors or Administrators, and if none such, a *Fieri Facias* shall issue against his Estate.

XXIII. PROVIDED always, That in all Cases where the Defendant or Tenant shall fail to appear at the First Court, the Sheriff or Bail shall not take any Advantage by Imparlance, or otherwise, of the Plaintiff or Demandant, for his, her, or their not having filed any Declaration before the Day whereto

Where the
Defendant
fails to appear
the Bail or
Sheriff may
not have an
Imparlance,

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for want of
the Plaintiff's
Declaration
being filed
before the
Return of the
Writ.

Sheriff or Bail
shall not be
discharged by
the Defen-
dant's Ap-
pearance, un-
less special
Bail be en-
tered.

Bail or She-
riff, and his
Executors or
Administra-
tors, may have
Remedy by
an Attach-
ment against
the Defen-
dant's Estate,
to be granted
by the Court,
upon Motion,
returnable to
the next Ge-
neral Court,
See 1. Geo.
2. cap. 3. re-
lating to Bail.

whereto the Writ was returnable, but Judgment shall be given in Manner
aforesaid, against the Bail or Sheriff, his Executors, Administrators, or Estate,
as if the Declaration had been filed in due Time.

XXIV. PROVIDED also, That after such Conditional Judgment as
aforesaid, against the Sheriff or Bail, the said Sheriff or Bail shall not be dis-
charged by the Appearance of the Defendant or Tenant only, unless, at the
same Time, he, she, or they shall give special Bail, for the abiding by the
Award of the Court: And in case such special Bail shall not be given, the
Proceedings shall be had against the Sheriff or Bail as aforesaid, as if the Defen-
dant or Tenant had never appeared.

XXV. PROVIDED always, and it is hereby Enacted and Declared,
That in every Case, where Judgment shall be confirmed as aforesaid, against
the Bail or Sheriff, or against his Executors or Administrators, or against his
Estate, for or by Reason of the Non-appearance, or other Failure of the De-
fendant as aforesaid, it shall and may be lawful for the Court where such
Judgment shall be so confirmed, upon the Motion of the Bail or Sheriff, or
of his Executors or Administrators, or of any other Person, on Behalf of them,
or either of them, to order an Attachment to issue, to attach so much of the
Estate of the Defendant, as shall be of Value sufficient to satisfy such Judg-
ment, and the Costs, and all other Costs and Charges concerning the same:
Which Attachment shall be returnable to the next succeeding General Court,
and thereupon the Estate shall, by the Court, be condemned, for Satisfaction
of the Judgment, Costs, and Charges, as aforesaid, and shall cause the same
to be lawfully appraised; and accordingly, so much thereof as shall be suffi-
cient, shall be delivered to the Bail or Sheriff, or his Executors or Adminis-
trators, against whom the Judgment shall have been confirmed, as aforesaid, to
his and their own proper Use, and the Remainder shall be returned to the
Person from whom the same was attached.

Rules alter'd,
Cap. 3. 1727.

XXVI. AND be it further Enacted, by the Authority aforesaid, That
for the better and more regular Prosecution and Determination of all Causes
in the said General Court; and for the more exact Entering of the Judgments
of the said Court; and for the Preservation of the Records thereof, these fol-
lowing Rules and Methods shall be observed; *to wit,*

THAT every Plaintiff or Demandant shall file his Declaration Three Days
before the Day whereto the Writ is returnable; and if no Declaration is filed
in that Time, (but yet shall be filed before the Day of the Return,) the De-
fendant or Tenant shall have One Imparance of Course, more than otherwise
should have been allowed; and if no Declaration be filed before the Day of
the Return, then the Plaintiff or Demandant shall be Nonsuit.

THAT if the Plaintiff or Demandant fails to appear and prosecute his
Suit, he shall be Nonsuit.

THAT where any Nonsuit is awarded by the Court, there shall be paid
for the same, (besides the Costs of Suit,) in Manner following; *to wit,* If
the Defendant or Tenant (or where there are several Defendants or Tenants,
if any One of them) shall dwell Twenty Miles, or less, distant from the
Place of holding the General Court, One Hundred and Fifty Pounds of
Tobacco, and Five Pounds of Tobacco for every Mile above Twenty.

THAT the Defendant or Tenant shall prepare his Plea in Writing, to the
Declaration of the Plaintiff or Demandant.

THAT

A. D. 1705.

T H A T the Clerk of the Court do carefully preserve the Declarations, Pleas, and all Evidences, and other Papers, relating to any Cause; and that they be all filed together in the Office.

Clerk of the General Court, shall preserve, & file together, all the Papers of every Cause.

T H A T in all Cases, where the Title of any Estate, in Land, is determined, the Pleadings shall be all in Writing; and shall be entered at large, with the Judgment thereupon, in particular Books set apart for that Purpose.

Pleadings & Judgments in Land Causes shall be entered at large in particular Books.

T H A T in all Cases, where any Fine is laid on the Justices of any County Court, or the Members of the Vestry of any Parish, one Action may be brought against them all jointly.

Suits against County Courts or Vestries, for Breach of Penal Laws, may be brought against all the Justices or Vestrymen jointly.

T H A T for Prevention of Errors, in Entering the Judgments of the Court, the Proceedings of every Day, shall be drawn at large by the Clerk, against the next Sitting of the Court, when the same shall be read in open Court, and such Corrections as are necessary, shall be made therein; and then the same shall be signed by the Secretary of this Dominion, for the Time being, or his Deputy: Which Draughts of the Proceedings, so signed, shall also be very carefully preserved amongst the Records.

The Proceedings of Court shall be daily drawn up at large, read & corrected in Court, sign'd by the Secretary, or his Deputy, & preserved amongst the Records.

XXVII. A N D forasmuch as in many Cases, for the Trials of Matters of Fact, in the said General Court, it may be necessary to examine several Witnesses, that the Truth, in such Cases, may be the better known: Therefore,

XXVIII. B E it Enacted, by the Authority aforesaid, That the following Orders, Rules, and Methods, for the Summoning, Examination, and Taking Affidavits of Witnesses, in all Cases depending in the said Court, and every of them, be observed, and put in Practice, hereafter mentioned, *to wit,*

Summons for Witnesses shall be issued by the Clerk.

T H A T in all Cases, where Witnesses are to appear at the General Court, a Summons shall be issued for the same, by the Clerk of the General Court, for the Time being, expressly mentioning the Time and Place where the Witnesses are to appear, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whose Request they are summoned,

T H A T if any Witness, by Sickness, Age, or other lawful Disability, be incapable of attending, to give his or her Evidence, according to such Summons, then every Person so incapacitated, shall procure a Certificate of such Disability, under the Hand (at least) of one Justice of the Peace of the *Quorum*, in the County where he or she resides: And in such Case, the Judges or Justices of the Court where such Suit is depending, or any Two of them, shall or may, by one or more Commission or Commissions, from Time to Time, as Need shall require, empower such and as many Persons as they shall think fit and necessary, in any County within this Dominion, to take and receive all and every the Affidavit and Affidavits, of any Person or Persons so disabled, as aforesaid, and procuring a Certificate in Manner as is before directed.

If any Witness be disabled by Sick-ness, &c. from attending, the Court, or any 2 of the Justices, may grant a *Dedimus* to take such Witnesses Testimony.

XXIX. P R O V I D E D always, That the Party praying for and obtaining such Commission or Commissions, for taking or receiving any Affidavit or Affidavits, as aforesaid, shall make known unto the other Party against whom the same are to be taken, the Time and Place of the Execution of every such Commission, at least Ten Days before the Day appointed for such

But the Party praying such *Dedimus*, shall give 10 Days Notice to the other Party, of the Time and Place of taking such Examination.

A. D. 1705.

Execution. And all Affidavits otherwise taken than is herein directed, shall be, to all Intents and Purposes, null and void.

Witnesses
summoned,
and refusing
to give Evi-
dence, upon
Oath, shall be
committed to
Gaol.

XXX. THAT if any Person whatsoever shall be summoned as a Witness, and upon his or her Appearance in the General Court, or before the Persons appointed to take Affidavits, as aforesaid, shall refuse to give Evidence upon Oath, when thereto lawfully required; then such Person so refusing, shall immediately thereupon be committed to the Common Gaol, there to remain without Bail or Mainprize, until he or she shall be willing to give Evidence, upon Oath, in such Manner as the Law now doth, or at any Time hereafter shall, direct.

Quakers
Testimony
shall be taken
upon their so-
lemn Affirma-
tion and De-
claration.

Part of the
Statute 7 & 8
Gul. 3. c. 34.
Enacted.

Popish Recu-
sants Convict,
Negros, Mul-
lattos, and In-
dians, not
Christians, in-
capable of be-
ing Witnesses.

Witnesses
summoned to
the General
Court, failing
to attend, for-
feit 1000lb.
Tob. to the
Party grieved.

If sufficient
Cause of Ina-
bility to at-
tend, be shewn
to the Court,
such Witness
shall be excu-
sed; but if
such Cause do
not appear to
the next Court,

Magistrates
committing
Criminals,
shall cause all
the Witnesses
to enter into
Recogni-
zance for their
Appearance
at the Trial.

Witnesses at
the General
Court privi-
leged from
Arrests, &c.
during their
Attendance,
and coming
to, and return-
ing from Court
allowing One
Day for every
20 Miles dist.

XXXI. PROVIDED always, That the People commonly called Quakers, shall have the same Liberty of giving their Evidence, by way of solemn Affirmation and Declaration, as is prescribed by One Act of Parliament, *Septimo & Octavo Gulielmi Tertii Regis*, intituled, *An Act That the solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath, in the usual Form*; which said Act of Parliament, for so much thereof as relates to such Affirmation and Declaration, and for the Time of its Continuance in Force, and not otherwise, shall be, to all Intents and Purposes, in full Force within this Dominion. That Popish Recusants Convict, Negroes, Mullattoes, and *Indian* Servants, and others, not being Christians, shall be deemed and taken to be Persons incapable in Law, to be Witnesses in any Cases whatsoever.

THAT if any Person shall be summoned to attend at the General Court as a Witness, and shall fail to attend, according to the Summons, for every such Failure, he or she, who shall be guilty thereof, shall forfeit and pay to the Party agrieved, One Thousand Pounds of good Tobacco: To be recovered, with Costs, by Action of Debt, in any Court of Record within this Dominion.

XXXII. PROVIDED always, That if at the Time such Person so summoned ought to have appeared to have given Evidence, sufficient Cause be shewn of his or her Incapacity to attend, then no Forfeiture or Penalty shall be incurred by such Failure; but if sufficient Cause be not shewn at the next succeeding Court after such Failure, then, upon the Motion of the Party agrieved, it shall be lawful for the said Court to grant Judgment for the Forfeiture afore-mentioned, against the Person or Persons so summoned, and failing to appear as aforesaid.

the Party grieved may have Judgment for the Penalty.

THAT upon the Commitment of any Person or Persons, for any Capital or Criminal Offence or Offences, the Magistrate or Magistrates making such Commitment, shall cause all the Witnesses of the Fact, that shall come to his or their Knowledge, to enter into Recognizances for their and every of their Appearance, to give Evidence, *Viva Voce*, upon the Trial, of such Offender or Offenders, and every of them.

THAT during the Attendance of any Person summoned as a Witness at the General Court, and as the said Person shall be going to, and returning from the Place of such Attendance, (allowing One Natural Day for every Twenty Miles such Person's Residence shall be distant from the same,) no Person or Persons whatsoever, shall serve or execute, or cause to be served or executed, upon any Person so attending, going to, or returning from, such Place of Attendance as aforesaid, any Writ, Process, Warrant, Order, Judgment, or Decree; and if any such be served or executed, contrary to this Act, the same shall be void, to all Intents and Purposes whatsoever.

THAT

A. D. 1705.

T H A T for every Mile any Person shall travel, either in going to, or returning from, the Place where he or she shall be summoned to appear as a Witness, there shall be paid to him or her, by the Person or Persons at whose Suit the Summons issued, One Pound of Tobacco and a Half per Mile, together with the necessary Charges of Ferriage, in going and returning, and Sixty Pounds of Tobacco, per Day, for every Day's Attendance, from the Time appointed for the Appearance of such Witnesses, until the Time they shall be discharged.

And shall be paid by the Party summoning, 1 lb. $\frac{1}{2}$ Tobacco per Mile, going, and returning, besides Ferriages, &c 60 lb. Tob. per Day, for Attendance.

T H A T in any Bill of Costs, there shall not be allowed the Charge of above Three Witnesses, to the Proof of any one particular Matter of Fact.

3 Witnesses shall be allowed for Proof of One particular Fact.

XXXIII. And to the Intent that erroneous Proceedings and Judgments of the other Her Majesty's Courts within this Dominion, may be corrected and amended, with as much Expedition, and with as little Charge to the Parties concerned, as may be: Therefore,

For correcting erroneous Judgments of inferior Courts,

XXXIV. *BE it Enacted, by the Authority aforesaid,* That if any Person or Persons, Bodies Politic or Corporate, shall, at any Time hereafter, take him, her, or themselves to be agrieved, contrary to Law and Justice, by the Judgment, Decree, or Sentence of any other Court within this Dominion, of what Nature or Value soever the Cause shall be; then, and in such Case, it shall and may be lawful, to and for such Person or Persons, Bodies Politic and Corporate, and every of them, so agrieved, to enter an Appeal from any such Judgment, Decree, or Sentence, to the said General Court: Upon which said Appeals, it shall be lawful to and for the Parties appealing, to assign and shew forth the Errors of the Judgment and Proceedings of the Court from whence they appealed, in Manner as is hereafter expressed, and not otherwise: That is to say,

Appeals may be made to the General Court.

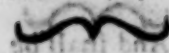
U P O N an Appeal, in any Personal Action, where the Judgment, Decree, or Sentence of the Court appealed from, shall be for any Sum not exceeding Twenty Pounds *Sterling*, or Four Thousand Pounds of Tobacco, the Appellant or Appellants, in his or their Declaration, or Bill of Errors, exhibited in the General Court, shall not be permitted to assign any Error, to reverse the Judgment, Decree, or Sentence of any Court, other than Errors in Matter of Right. And if, upon hearing the Cause in the General Court, such Judgment, Decree, or Sentence, shall appear to be rightly and justly given, the same shall be affirmed; notwithstanding any Mispleading, or other Error in the Form of the Proceedings, whatsoever.

Appellant, in Personal Actions, not exceeding 20 l. *Sterling*, or 4000 lb. Tob. shall assign Errors in Matter of Right only.

A N D, upon an Appeal, in any Personal Action, where the Judgment, Decree, or Sentence appealed from, shall be for any Sum not under Twenty Pounds *Sterling*, or Four Thousand Pounds of Tobacco, nor above Fifty Pounds *Sterling*, or Ten Thousand Pounds of Tobacco, the Appellant or Appellants, in his or their Declaration, or Bill of Errors, exhibited in the General Court, shall not be permitted to assign any Error, to reverse the Judgment, Decree, or Sentence of any Court, other than Errors in Matter of Right, and such Errors in the Form or Manner of the Proceedings, as were insisted upon in the Court from whence the Appeal shall be made. And if, upon the Hearing of the Cause in the General Court, the Judgment, Decree, or Sentence appealed from, appears to be justly made, in Point of Right, and that the Errors assigned in the Manner of the Proceedings shall not be sufficient to reverse the same, then such Judgment, Decree, or Sentence, shall be affirmed in the General Court; notwithstanding

If not under 20 l. *Sterl.* or 4000 lb. Tob. nor above 50 l. *Sterling*, or 10000 lb. Tobacco, Errors in Matter of Right, and such Errors in Form, as were insisted upon in the inferior Court, may be assigned.

A.D. 1705.



In Personal Actions of greater Value than 50l. Ster. or 10000 lb. Tob. and in all Real Actions, any Errors of Form or Substance may be assigned.

If the Judgment, &c. be affirmed, Appellant shall pay the Appellee, besides the principal Sum, & Costs first recovered, in Personal Actions, 15 per Cent. upon such principal Sum and Costs.

And in Real Actions, 2000 lb. Tob.

Days appointed for Appeals.

Superfedeas shall be brought in the same Manner as Appeals, & subject to the like Damages.

Appeals and Superfedeas limited by the Act, 1 Geo. 2. cap. 3.

any other Errors, which may be assigned, in the Formality of the Proceedings.

A N D, upon Appeals from any Judgment, Decree, or Sentence, in Personal Actions, Suits in Chancery, Informations, or other Controversies, of greater Value than Fifty Pounds *Sterling*, or Ten Thousand Pounds of Tobacco, and all real Actions, of what Value soever, it shall and may be lawful to and for the Appellant or Appellants to assign Errors, either of Form or Substance, in like Manner as is permitted by the Laws of *England*, in the Prosecution upon Writs of Error.

XXXV. AND be it further Enacted, by the Authority aforesaid, That upon an Appeal, in any Personal Action, if the Judgment, Decree, or Sentence appealed from, be affirmed in the General Court, then the Appellant or Appellants shall pay unto the Appellee or Appellees, (besides the principal Sum and Costs, expressed in such Judgment, Decree, or Sentence) Fifteen *per Cent.* Damage, upon the principal Debt, or the Sum recovered for Damage, and upon the Costs of Suit in the Court from whence such Appeal shall be made.

A N D upon any Appeal, in any Real Action, if the Judgment, Decree, or Sentence appealed from, shall be affirmed in the General Court, then the Appellant or Appellants, shall pay unto the Appellee or Appellees, in Lieu of the Fifteen *per Cent.* aforesaid, the Sum of Two Thousand Pounds of Tobacco, Damage, over and above what shall be contained and expressed in the Judgment, Decree, or Sentence, from whence such Appeal shall be made.

XXXVI. A N D, for the more regular Hearing and Determining of such Appeals as shall be made, from the several County Courts, unto the General Court: *Be it Enacted, by the Authority aforesaid*, That all Appeals from the County Courts of *Henrico, Prince George, Surry, Isle of Wight, Nansemond, Norfolk*, and *Princess Anne*, shall be made to the Sixth Day of the next succeeding General Court after such Appeals, respectively: And that all Appeals from the County Courts of *James-City, Charles-City, New-Kent, Warwick*, and *Elizabeth-City*, shall be made to the Seventh Day of the next succeeding General Court after such Appeals, respectively: And that all Appeals from the County Courts of *Gloucester, King William, King and Queen, Middlesex*, and *Essex*, shall be made to the Eighth Day of the next succeeding General Court after such Appeals, respectively: And that all Appeals from the County Courts of *Richmond, Westmoreland, Northumberland, Stafford*, and *Lancaster*, shall be made to the Ninth Day of the next succeeding General Court after such Appeals, respectively: And that all Appeals from the County Courts of *Accomack*, and *Northampton*, shall be made to the Tenth Day of the next succeeding General Court after such Appeals, respectively: And that no Appeals from any County Courts, be admitted to any other Day of the General Court, than what is herein expressed and directed.

XXXVII. AND be it Enacted, by the Authority aforesaid, That upon Superfedeas brought to the General Court, to reverse any Judgment, Decree, or Sentence given in any of the County Courts of this Dominion, the Proceedings shall be in the same Manner as before directed for Appeals; and the like Damages awarded, in case the Judgment, Decree, or Sentence of the County Court be affirmed.

XXXVIII. AND

A. D. 1702.

XXXVIII. AND forasmuch, as several Fines and Forfeitures, by this and several other Acts, are, or may be directed to be recovered in any Court of Record in this Dominion: For the better Explanation thereof,

XXXIX. *BE it Enacted, by the Authority aforesaid,* That the General Court of this Dominion, and the Courts held before the Justices of the Peace, in the several respective Counties, commonly called the County Courts, shall be deemed and taken, and are hereby declared to be the only Courts of Record, of or in this Dominion; and that no other Court or Courts whatsoever, shall be construed, deemed, or taken to be such.

The General Court, & the respective County Courts, the only Courts of Record in this Dominion.

XL. *AND be it further Enacted,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to Establishing the General Court; or to the Regulating or Settling the Proceedings therein; or to any other Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to the General Court, &c. repealed.

C H A P. XX.

An Act for enlarging the Power of the Sheriff attending the General Court, and of the Constables of Bruton Parish.

I. **W**HEREAS the City of *Williamsburg* is so placed, that Persons may easily evade being summoned to attend the General Court, as Grand Jurors, Jurors, and Evidences, or to be taken, upon any Precept of the said Court, unless the Power of the Sheriff, and his Officers attending the said Court, be enlarged:

Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the Sheriff, and his Deputies and Bailiffs, which shall attend the General Court, and every of them, be impowered, and they and every of them are hereby impowered, during the sitting of the General Court, to summon Grand Jurors, Jurors, and Evidences, and to execute other the Commands of the General Court, in all and every Part of the City of *Williamsburg*, and Half a Mile Compass from the same, and to make Return thereof; which Return shall be sufficient for the General Court to proceed thereon.

Sheriff, and his Officers, attending the General Court may execute, Summons, &c. in *Williamsburg*, and $\frac{1}{2}$ a Mile round the City, and make Returns.

III. *AND be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for the Constables of *Bruton Parish*, appointed or to be appointed by the Courts of the Counties of *James-City*, or *York*, respectively, to do and execute all Matters and Things appertaining to the Office of a Constable within any Part of the City of *Williamsburg*, and Half a Mile Compass from the same.

Constables of *Bruton Parish* may execute their Office in all Parts of *Williamsburg*, and $\frac{1}{2}$ a Mile Compass.

IV. *AND be it Enacted,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to any Matter within this Act, repealed.

the said Five Hundred Pounds of Tobacco, Thirty Pounds of Tobacco, and no more: And if any Surveyor shall demand and take any greater Fee for surveying, as aforesaid, than in and by this Act is allowed and set down, he shall forfeit and pay, for every such Offence, Two Thousand Pounds of Tobacco; One Half whereof to be to Her Majesty, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to the Informer.

A. D. 1705
 & 30 lb. Tob.
 for every
 100 Acres a-
 bove 1000.
 Taking
 greater Fees,
 forfeits
 2000 lb. Tob.

IV. *PROVIDED nevertheless*, That if at any Time it shall happen, that in Differences concerning adjacent Lands, or other Claim whatsoever, the Surveyor be stopped and hindered from finishing his said Survey, it shall be lawful for him, notwithstanding, to demand and take Two Hundred and Fifty Pounds of Tobacco for his Trouble and Progress so made in the Survey.

If the Sur-
 veyor be stop-
 ped and hin-
 dred from fi-
 nishing a Sur-
 vey, his Fee
 shall be 250 lb.
 Tobacco.

V. *AND* for the better enabling all Surveyors to be exact in their Surveys, *Be it Enacted*, That no Surveyor shall make any Survey of Land without Chain Carriers, sworn to measure justly and exactly, according to the best of their Knowledge, and to deliver their Account thereof truly to the Surveyor; which Oath, every Surveyor in his several District, is hereby authorized and empowered to administer accordingly.

No Survey
 shall be made
 without
 Chain Car-
 riers, upon
 Oath, to be
 administered
 by the Sur-
 veyor.

VI. *AND be it further Enacted*, That upon any Entries hereafter legally made, for unpossessed Land, where the Surveyor cannot, at the Time of Entry made, attend to survey, such Entry shall stand good, until such Surveyor shall give Notice of his being ready to go upon the Survey thereof: And if such Party claiming by such Entry, his Heirs or Assigns, shall not, within One Month of such Notice given him, attend the Surveyor, with all Necessaries for making such Survey, and give him timely Warning thereof, every such Entry shall be void, as if the same had never been made.

Entries for
 Land shall be
 valid, until
 Notice given
 by the Survey-
 or, that he is
 ready to sur-
 vey: But if,
 within One
 Month after
 Notice, the
 Party fails to
 make the Sur-
 vey, such En-
 try shall be
 void.

VII. *AND* for Prevention of hasty and surreptitious Grants upon Surveys,

VIII. *BE it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That no Surveyor, within Six Months after Survey made, give a Copy of the said Survey, or Plot, other than to the Person that first, in lawful Manner, employed him to make the said Survey; upon Pain of forfeiting and paying to the Party injured, his Executors or Administrators, Five Hundred Pounds of Tobacco, for every Hundred Acres of Land the said Survey shall contain.

No Surveyor
 shall, within 6
 Months after
 any Survey,
 give a Copy
 of the Plot to
 any Person,
 besides the
 Proprietor of
 the Land, on
 Penalty of
 500 lb. Tob.
 for every 100
 Acres, to the
 Party injured.

IX. *AND* because the Quiet of our Estates, in a great Measure, depends upon the Faithfulness, Understanding, and Care of our Surveyors, and the fair and regular keeping of their Proceedings,

X. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That each Surveyor that now is, shall immediately, upon the Publication of this Act; and every Surveyor hereafter to be appointed, shall immediately, upon his Entering into the said Office of Surveyor, apply himself to the County Court (who are hereby authorized to levy the Charge thereof upon the County) for such a Book, as is herein before mentioned, for the Entering of Surveys and Plots, and shall fairly enter and plot, or cause to be fairly entered and plotted, all the Surveys that he shall make, during his Continuance in the said Office of Surveyor, within Two Months after every such Survey made, with Indications in the Plots of all the Rivers, Creeks, and Branches, that he shall cross in his Courses; and also of the Boundaries and adjacent Plan-

Surveyors
 Duty in En-
 tering Plots of
 all Surveys by
 him made.

tations,

A. D. 1705.

Penalty, on
Failure in any
of the Premi-
ses, 2000 lb.
Tobacco.

County
Courts may
appoint In-
spectors to
examine the
Surveyor's
Books.

And on the
Death, or Re-
moval of any
Surveyor,
may take his
Books, to be
preserved a-
mong the Re-
cords; or let
to the next
Surveyor,
who shall be
sworn for the
safe keeping,
&c.

Fee for sur-
veying a Lot,
in Towns, &c.
20 lb. Tob.

Penalties gi-
ven by this
Act, how to
be recovered.

All former
Laws relating
to Surveyors,
&c. repealed.

tations, &c. that he shall meet with: And also shall, Annually, in the Month of *June*, return to the County Court Clerk's Office, to be by him recorded, a true and perfect List of all Surveys by him made in that County, *viz.* For Whom, what Quantity of Land, and the Place or Parish where it lies; upon Pain of forfeiting, for every Default in any of the Premises, Two Thousand Pounds of Tobacco; one Half to the Queen, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to the Informer.

XI. *AND also, be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the County Court, at any Time when they shall think fit, either of their own Motion, or upon the Complaint or Suggestion of any other Person, may, and hereby have full Power and Authority to appoint Two or more understanding Persons of their County, to view and examine the Surveyor's Book, of the County Surveys or Plots; and to make Report thereof to them, whether it be kept, in all things, according to this Act.

XII. *AND also, be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That upon the Death, or Removal, of any Surveyor, from his Place and Office, the said County Court, by their Order, shall have, and hereby have, full Power and Authority, to retake the Surveyor's said Book, and either cause the same to be preserved among the County Records; or, if there be much blank Paper in it, let the same to the next Surveyor, at their Discretion, for his County Book also, to enter his Surveys and Plots in: But where it shall so happen, that the same is let to the next Surveyor, the County Court shall always, before the doing thereof, take the said Surveyor's Oath, to preserve the said Book, with the best of his Care, and under his own Lock and Key; and not to alter, or suffer any thing to be altered therein, of what was done before his Time of Surveyorship.

XIII. *PROVIDED always, and it is hereby Enacted*, That any thing herein before recited, shall not extend, nor be construed to extend, to the Surveyor's Fee, for Lots taken up, or to be taken up, in any City, Town, Port, or public Landing, or Place, laid out, or hereafter to be laid out, for any City, Town, Port, or public Landing: But that it shall be sufficient for the Surveyor, having once entered the whole Plot of such City, Town, Port, or public Landing, in the Book, to keep a Note of the Person's Name that shall take up any Lot, in any such City, Town, Port, or public Landing, with the Number of the Lot therewith: And for so doing, and Laying out One Lot, or Renewing the Bounds of One Lot, and so for each Lot laid out or renewed, shall have and receive Twenty Pounds of Tobacco, and no more; any thing before in this Act contained to the contrary, in any-wise, notwithstanding.

XIV. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all Penalties and Forfeitures, which shall be incurred, by Virtue of this Act, shall and may be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Her Majesty's Colony and Dominion; wherein no Effoin, Protection, or Wager of Law, shall be allowed.

XV. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

A. D. 1705.

C H A P. XXIII.

An Act declaring the Negro, Mulatto, and Indian Slaves, within this Dominion, to be Real Estate.

I. **F**OR the better Settling, and Preservation of Estates, within this Dominion,

II. *BE it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Passing of this Act, all Negro, Mulatto, and Indian Slaves, in all Courts of Judicature, and other Places, within this Dominion, shall be held, taken, and adjudged, to be Real Estate (and not Chattels;) and shall descend unto the Heirs and Widows of Persons departing this Life, according to the Manner and Custom of Land of Inheritance, held in Fee Simple.

After the passing this Act, all Negro, Mulatto, and Indian Slaves, shall be adjudged and descend as Real Estate held in Fee Simple.

III. *PROVIDED always,* That nothing in this Act contained, shall be taken to extend to any Merchant, or Factor, bringing any Slaves into this Dominion, or having any Consignments thereof, unto them, for Sale: But that such Slaves, whilst they remain, unfold, in the Possession of such Merchant, or Factor, or of their Executors, Administrators, or Assigns, shall, to all Intents and Purposes, be taken, held, and adjudged, to be Personal Estate, in the same Condition they should have been in, if this Act had never been made.

But this Act shall not extend to Merchants or Factors importing Slaves for Sale.

97 Geo. 2 / 1753 / Cap. 2. Sec. 3. passim

IV. *PROVIDED also,* That all such Slaves shall be liable to the Payment of Debts, and may be taken by Execution, for that End, as other Chattels or Personal Estate may be.

Slaves liable to Payment of Debts,

V. *PROVIDED also,* That no such Slaves shall be liable to be escheated, by reason of the Decease of the Proprietor of the same, without lawful Heirs: But all such Slaves shall, in that Case, be accounted and go as Chattels, and other Estate Personal.

But not to escheat.

VI. *PROVIDED also,* That no Person, selling or alienating any such Slave, shall be obliged to cause such Sale or Alienation to be recorded, as is required by Law to be done, upon the Alienation of other Real Estate: But that the said Sale or Alienation may be made in the same Manner as might have been done before the making of this Act.

Sale, &c. of Slaves need not be recorded.

22 Geo. 2 / 1748 / Cap. 2. Sec. 1. passim

VII. *PROVIDED also,* That this Act, or any thing therein contained, shall not extend, nor be construed to extend, to give any Person, being Owner of any Slave or Slaves, and not seized of other Real Estate, the Right or Privilege as a Freeholder, meant, mentioned, and intended, by One Act of this present Session of Assembly, intituled, *An Act for Regulating the Elections of Burgeses, for Settling their Privileges, and for Ascertaining their Allowances.*

Possession of Slaves shall not give the Owner a Vote in Election of Burgeses.

VIII. *PROVIDED also,* That it shall and may be lawful, for any Person, to sue for, and recover, any Slave, or Damage, for the Detainer, Trover, or Conversion thereof, by Action Personal, as might have been done if this Act had never been made.

Slaves recoverable by Action Personal.

32 Geo. 2 / 1758 / Cap. 1. Sec. 1. passim

Y

IX. PRO-

This Act is explained and amended 1 Geo. 3 / 1727 / Cap. 4

18 Geo. 2 / 1743 / Cap. 10. 22 Geo. 2 / 1748 / Cap. 6. Sec. 10. 10

22 Geo. 2 / 1748 / Cap. 17.

22 Geo. 2 / 1748 / Cap. 8. Sec. 16. 12

to prevent clandestine carrying of slaves out of the colony

A. D. 1703.

But Writs of Partition or Dower may also be prosecuted.

IX. *PROVIDED* always, That where the Nature of the Case shall require it, any Writ *De Partitione facienda*, or of Dower, may be sued forth and prosecuted, to recover the Right and Possession of any such Slave or Slaves.

Slaves of Persons dying Intestate, after the Widow's Dower set apart, shall be appraised, and the Value equally divided among all the Children, to be paid by the Heir.

X. *PROVIDED*, and be it Enacted, That when any Person dies intestate, leaving several Children, in that Case, all the Slaves of such Person, (except the Widow's Dower, which is to be first set apart) shall be inventoried and appraised; and the Value thereof shall be equally divided amongst all the said Children; and the several Proportions, according to such Valuation and Appraisement, shall be paid by the Heir (to whom the said Slaves shall descend, by Virtue of this Act) unto all and every the other said Children. And thereupon, it shall and may be lawful, for the said other Children, and every of them, and their Executors or Administrators, as the Case shall be, to commence and prosecute an Action upon the Case, at the Common Law, against such Heir, his Heirs, Executors and Administrators, for the Recovery of their said several Proportions, respectively.

Widow seized of Slaves in Right of Dower, and transporting any of them out of this Colony, without Consent of the Heir, forfeits all her Dower. And if the Husband of such Widow shall so transport any Slave, the Heir in Reversion may enter, and hold the Wife's Dower during such Husband's Life.

XI. *AND* be it further Enacted, by the Authority aforesaid, That if any Widow, seized of any such Slave or Slaves, as aforesaid, as of the Dower of her Husband, shall send, or voluntarily permit to be sent, out of this Colony and Dominion, such Slave or Slaves, or any of their Increase, without the lawful Consent of him or her in Reversion, such Widow shall forfeit all and every such Slave or Slaves, and all other the Dower which she holds of the Endowment of her Husband's Estate, unto the Person or Persons that shall have the Reversion thereof; any Law, Usage, or Custom, to the contrary, notwithstanding. And if any Widow, seized, as aforesaid, shall be married to an Husband, who shall send, or voluntarily permit to be sent, out of this Colony and Dominion, any such Slave or Slaves, or any of their Increase, without the Consent of him or her in Reversion; in such Case, it shall be lawful for him or her in Reversion, to enter into, possess, and enjoy, all the Estate which such Husband holdeth, in Right of his Wife's Dower, for and during the Life of the said Husband.

This Act explain'd and amended, 1 Geo. 2. cap. 4. 11.

C H A P. XXIV.

Repealed,
Ch. 2. 1723.

An Act for Settling the Militia. R E P.

C H A P. XXV.

An Act to prevent Indians Hunting and Ranging upon patented Lands.

Persons employing any free Indian to hunt upon patented Lands, forfeit 1000^{lb}. Tobacco to

I. *B*E it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That if any Person whatsoever, shall, after the Publication of this Act, entertain or employ any *Tuscarora*, or other *Indian*, not being a Servant or Slave, to hunt or kill Deer; or furnish them with Guns, Powder, or

or Shot, to hunt, as aforesaid, upon any Lands now patented, or that shall hereafter be patented, and belong to any of Her Majesty's Subjects within this Her Majesty's Colony and Dominion of *Virginia*, he, she, or they, so employing any *Tuscarora*, or other *Indian*, as aforesaid, shall forfeit and pay to the Person or Persons upon whose Land such *Indian* shall be found to hunt, as aforesaid, the Sum of One Thousand Pounds of Tobacco: To be recovered, with Costs, by Action of Debt, in any Court of Record within this Colony and Dominion; any Law, Custom, or Usage, to the contrary, notwithstanding.

A. D. 1705.
the Proprietor
of the Land
where such
Indian shall
be found
hunting.

II. AND moreover, when any Person shall find any such *Indian* shooting, ranging, or hunting upon his Land, contrary to this Act, it shall be lawful for such Person to take away the Gun, Powder, and Shot, which he shall find upon such *Indian*, and to keep and convert the same to his own Use: And upon any Complaint made, or Suit brought against any Person for such taking and keeping of the Gun, Powder, and Shot, as aforesaid, it shall be lawful for the Defendant to plead the General Issue, Not Guilty, and to give the Special Matter in Evidence; and the Defendant shall be admitted to declare the Truth, upon his own Oath, which shall be taken as Evidence in that Case; any Law, Usage, or Custom to the contrary thereof, in any-wise, notwithstanding.

And the Gun
and Ammunition
of such
Indian may be
seized.
Persons sued,
may plead the
General Issue,
and the *Onus*
Probandi shall
lie upon the
Defendant.

III. *PROVIDED nevertheless*, That nothing in this Act contained, shall be construed to extend to the *Pamunkey* or *Chickabominy Indians*, or to the *Indians* on the *Eastern Shore*, hunting or ranging as heretofore they have been accustomed to do.

This Act not
to extend to
the *Pamunkey*,
Chickabominy,
or *Eastern*
Shore Indians.

IV. *AND be it Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

Repeal of all
former Laws
relating to any
Matter within
this Act.

C H A P. XXVI.

An Act for raising a Public Revenue, for the better Support of the Government of this Her Majesty's Colony and Dominion of Virginia; and for ascertaining the Salary of the Council. R E P.

Repealed
by Proclama-
tion, June 22.
1708.

C H A P. XXVII.

An Act for preventing Frauds in the Customs, and in Clearing of Ships; for ascertaining Collectors and Naval Officers Fees; and to prohibit and prevent the casting of Ballast, and dead Bodies, into Rivers and Creeks.

I. **F**OR the better Prevention of Frauds and Concealments, or any other Ways or Means which may be made use of, to evade due Clearing of Ships and Vessels, and the Paiment of the Customs, Duties, or Impositions, laid

Preamble.

4. D. 1705. laid upon Tobaccos, Skins, Furrs, or any other Goods or Merchandizes whatsoever, to be exported out of this Colony and Dominion,

No Ship or Vessel shall break Bulk or take on Board Goods for Exportation, before due Entry, and Bond and Security given by the Master.

II. *BE it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the Master of every Ship or Vessel, coming into this Her Majesty's Colony and Dominion, for Trade, or which being here, is designed to take on Board and lade any Tobaccos, Skins, Furrs, or other Goods or Merchandizes whatsoever, in order to export and carry the same out of this Colony and Dominion, at his Entry, and before he be permitted to break Bulk and trade, or to lade and take on Board any Goods or Merchandizes whatsoever, shall give Bond, with one Surety, to the Queen's Majesty, her Heirs and Successors, that he will not depart with his said Ship or Vessel from the District or Port where she is entred, until Paiment be made of the several Customs, Duties, Impositions, and Fees, accruing due from the said Ship or Vessel, or for or by Reason of any Tobaccos, Skins, Furrs, or other Goods and Merchandizes shipped and laden in her, nor until the said Ship or Vessel be duly cleared by the Collector and Naval Officer of the said District or Port.

The several Sums of the Bonds.

III. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if the Ship or Vessel be under Fifty Tons, the said Bond shall be for Fifty Pounds; if above Fifty Tons, and under One Hundred Tons, for One Hundred Pounds; and if One Hundred Tons, or above One Hundred Tons, for Two Hundred Pounds; and shall be delivered back, upon due Clearing with the Officers aforesaid; but wholly forfeited, without any Relief in Equity, in case the Condition thereof be broken.

Oath to be taken by the Master.

IV. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Master of every Ship or Vessel, upon Clearing, shall make Oath, before the Officer with whom he clears, (which Oath the said Officer is hereby impowered and required to administer) what Tobaccos, Skins, Furrs, or other Goods or Merchandizes, are then shipped and laden on Board his said Ship or Vessel; and that he will not afterwards lade or take on Board his said Ship or Vessel, any more Tobaccos, Skins, Furrs, or other Goods or Merchandizes whatsoever, (for which any Custom, Duty, or Imposition is to be paid, or which the Law requires to be entred) without a lawful Permit for his so doing, from an Officer of the District or Port wherein the said Tobaccos, Skins, Furrs, Goods or Merchandizes, are to be so laden and taken in.

And all Duties payable on the Goods exported, shall be discharged before clearing.

V. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared,* That the Customs, Duties, or Impositions, accruing due for any Tobaccos, Skins, Furrs, or other Goods or Merchandizes whatsoever, which shall hereafter be shipped or laden on Board any Ship or Vessel, in order to be exported out of this Colony and Dominion, shall be answered and paid to the Collector or Receiver of the said Customs, Duties, or Impositions, in the District or Port where the said Ship or Vessel shall happen to ride, when the said Tobaccos, Skins, Furrs, Goods or Merchandizes are laden and taken in, and to no other Collector or Receiver whatsoever; notwithstanding the same be brought thither from another District or Port.

On Suspicion of Fraud or Concealment, Naval Officers or Col-

VI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That upon any Suspicion of Fraud, or Concealment, or that the Master of any Ship or Vessel doth make a false Report of his Lading, it shall and may be lawful for the Naval Officer and Collector of the District or Port,

Port, or either of them, for Discovery of the said Fraud or Concealment, and for the better finding out the Truth of the Matter, to examine, upon Oath, the Mate, Boatswain, or any other of the Seamen belonging to the said Ship or Vessel, as also any other Person or Persons whatsoever, concerning the Lading of the said Ship or Vessel, as to the said Collector and Naval Officer, or either of them, shall seem fit and convenient.

A. D. 1705.
Collectors may examine the Mariners, upon Oath.

VII. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Collectors Fees shall be as followeth: That is to say,

Collectors Fees.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
FOR Entering and Clearing any Ship or Vessel, of Fifty Tons, or under, (all Vessels transporting Goods or Commodities from one District to another excepted) and all Fees thereunto incident,	00	10	00
FOR Entering and Clearing any Ship or Vessel, above Fifty Tons, and under One Hundred Tons, and all Fees thereunto incident, - - - - -	00	15	00
FOR Entering and Clearing any Ship or Vessel, of One Hundred Tons, or above, and all Fees thereunto incident, - - -	01	05	00
FOR taking a Plantation Bond, pursuant to the Act of Trade and Navigation, - - - - -	00	02	06
FOR a Certificate of Duties paid upon Goods shipped to the Plantations, - - - - -	00	02	06

AND that the Naval Officers Fees shall be as followeth: That is to say,

Naval Officers Fees.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
FOR Entering and Clearing any Ship or Vessel, of Fifty Tons, or under, (excepting as is before excepted,)	00	07	06
FOR Entering and Clearing any Ship or Vessel, above Fifty Tons, and under One Hundred Tons, - - - - -	00	10	00
FOR Entering and Clearing any Ship or Vessel, of One Hundred Tons, or above, - - - - -	01	05	00
FOR taking a Bond, - - - - -	00	02	06
FOR a Permit to trade, - - - - -	00	02	06
FOR every Loading Cocquet here, - - - - -	00	00	06
When Ports for Import and Export shall be established, and in the mean Time, for a Permit to load a Ship or Vessel for Exportation, - - - - -	00	02	06
FOR a Certificate for all imported Goods, that shall be removed out of one District or River into another, after they are once landed, until Ports shall be established, to be paid to the Officer of the District from whence the said Goods are brought, - - - - -	00	02	06

THAT

A. D. 1705.

Virginia
Owners shall
only pay half
Fees.

Collector or
Naval Officer
taking other
or greater
Fees, forfeits
for the 1st Of-
fence, 100l.

2d Offence,
for ever dis-
abled to exe-
cute his Of-
fice, or enjoy
the Profits, &
forfeits 20l.
to the Inform-
er.

Persons in-
jured, failing
to prosecute
within Three
Months, any
other Person
may inform
and recover.

But Prosecu-
tion shall be
commenced
within 12
Months.

Collectors &
Naval Offi-
cers shall set
up in their
Offices, a Ta-
ble of their
Fees, given by
this Act.

THAT the Naval Officers and Collectors, for any the Services before-men-
tioned, shall charge no more than Half of the Fees aforesaid, for any Ship or
Vessel wholly belonging to the Inhabitants of this Country.

VIII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That it shall not be lawful for any Collector or Naval Of-
ficer, within this Colony and Dominion, to demand and take any Fee or Fees
for any other Business, Matter, or Thing by him done and performed, as
Collector or Naval Officer, or as Collector or Receiver of any *Virginia* Duties,
than the Particulars before enumerated in this Act; or to demand and take
any greater Fee, for any of the Particulars before enumerated, than the Fee
given and allowed by this Act, for the same: And that if any Collector or
Naval Officer shall offend in either of the Premises, and be thereof lawfully
convicted, he shall, for the First Offence, forfeit and pay One Hundred Pounds
current Money; One Moiety to our Sovereign Lady the Queen, her Heirs
and Successors, for and towards the better Support of this Government, and
the contingent Charges thereof; and the other Moiety to the Party injured:
To be recovered, with Costs, in any Court of Record within this Colony and
Dominion, by Action of Debt, Bill, Complaint, or Information, wherein no Ef-
foin, Protection, or Wager of Law, Privilege, or more than One Imparlance,
shall be admitted or allowed. And if the said Collector or Naval Officer shall
offend a Second Time, and be thereof lawfully convicted, he shall be thereby
disabled in Law, and made utterly incapable to hold, execute, and enjoy his
Place and Office of Collector or Naval Officer, or any Profits or Advantage
arising therefrom, for ever; and the said Place and Office shall, immediately
after such Conviction, be void, to all Intents and Purposes, as if the said Col-
lector or Naval Officer had been naturally dead; and moreover, shall forfeit
and pay to the Informer, the Sum of Twenty Pounds current Money: To
be recovered with Costs, as aforesaid.

IX. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Person injured by any Collector or Naval Officer,
demanding and taking any Fee or Fees, contrary to this Act, shall fail to in-
form against the said Collector or Naval Officer for the said Offence, within
Three Months after the Offence committed, it shall and may be thereafter
lawful for any other Person or Persons whatsoever, to prosecute the Offender,
and recover; any thing in this Act before contained to the contrary, or seem-
ing to the contrary, notwithstanding.

X. *PROVIDED always, and be it Enacted, by the Authority afore-
said, and it is hereby Enacted*, That no Collector or Naval Officer whatsoe-
ver, shall, at any Time hereafter, be impeached or questioned, for or con-
cerning any Offence aforesaid, unless such Collector or Naval Officer be pro-
secuted within the Space of One Year next ensuing such Offence committed.

XI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That every Collector and Naval Officer, within this Colony
and Dominion, shall be, and is hereby strictly enjoined and required, within
Three Months after Publication of this Act, to set up, or cause to be set up,
in his Office, a fair written Table or Copy of his Fees, according to this Act,
and from Time to Time to continue the same, by setting up a new and
fresh Table or Copy, as the Occasion requires.

XII. *AND* whereas, the casting or unlading of Stones, Gravel, or other
Ballast, into the Rivers and Creeks of this Her Majesty's Colony and Domi-
nion,

nion, may, in Time, prove, not only dangerous, but wholly obstructive, to the Passage of Ships, Sloops, Boats, and other Vessels: For Prevention thereof, A. D. 1705.

XIII. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That it shall not be lawful, for the Master of any Ship, Sloop, Boat, or other Vessel, or for any other Person or Persons whatsoever, to cast or unlade any Stones, Gravel, or other Ballast, into any River, Creek, Haven, or Harbor, within this Colony and Dominion; but to lay the same on the Land only above high Water Mark: And that if the Master or Owner of any Ship, Sloop, Boat, or other Vessel, shall actually offend herein, or shall suffer and permit any other Person or Persons, under him, to do it, such Master, or Owner, for every such Offence, shall forfeit and pay the Sum of Ten Pounds Current Money: One Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will inform, or sue for the same: To be recovered, with Costs, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information; wherein no Effoin, Protection, or Wager of Law, Privilege, or more than one Imparlance, shall be admitted, or allowed.

Masters of Ships, &c. permitting Ballast to be cast into any River, Creek, &c. forfeit 10l.

XIV. *AND*, whereas it is represented to this Assembly, That the Commanders or Masters of the Ships or Vessels which have imported Negros into this Colony and Dominion, have caused such Negros as died on Board, to be cast into the Rivers or Creeks where such Ships or Vessels did then ride, to the great Annoiance of the Inhabitants adjacent: For Prevention thereof, for the future,

XV. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That when any Negro, or other Person whatsoever, shall happen to die on Board any Ship or Vessel, riding or being within any River or Creek, within this Colony and Dominion, the Master of such Ship or Vessel shall cause the Negro, or other Person, so dying, to be carried on Shore, and there buried; upon Pain of forfeiting and paying, for his Neglect therein, or for suffering the said Negro, or other Person, to be cast into the Water, the Sum of Ten Pounds Current Money: One Moiety thereof, to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government, and the contingent Charges thereof; and the other Moiety to him or them that will inform, or sue for the same: To be recovered, with Costs, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information; wherein no Effoin, Protection, or Wager of Law, Privilege, or more than one Imparlance, shall be admitted or allowed.

And the Bodies of all Persons dying on Board any Ship, in this Colony, shall be buried on Shore, under Penalty of 10l. to be paid by the Master of the Ship or Vessel, if the dead Body be cast into the Water.

XVI. *AND be it further Enacted,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

Repeal of all former Laws relating to any Matter within this Act.

A. D. 1705.

C H A P. XXVIII.

An Act for the Continuing of General Assemblies, in case of the Death or Demise of Her Majesty, her Heirs or Successors; and for making valid all Acts of the Governor and Council, and all Judgments and Proceedings at Law, which shall happen between the Death of any King or Queen of England, and the Notification thereof in this Country.

Preamble.

I. **W**HEREAS, by Reason of the great Distance of this Colony and Dominion of *Virginia* from our Mother Kingdom of *England*, there may happen to be a considerable Space of Time between the Death or Demise of the King or Queen, for the Time being, and the Proclamation of his or her Successor in this Colony and Dominion: For preventing the many Mischiefs, Inconveniencies, and unnecessary Charges, which may happen or be occasioned, by Reason of such Interval;

General Assemblies shall not be dissolved by the Death of the Queen, or her Successors; but shall continue and be holden, according to Summons or Writ of Prorogation, during 6 Months after such Demise; unless sooner prorogued or dissolved by the Governor.

II. *BE it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That this present General Assembly, or any other General Assembly, which shall hereafter be summoned and called, under the Authority of Her Majesty Queen *Anne*, her Heirs and Successors, by the Governor, Lieutenant Governor, or Commander in Chief, by and with the Advice and Consent of the Council of State, of this Her Majesty's Colony and Dominion, or by the President and Council, for the Time being, shall not determine or be dissolved, by the Death or Demise of Her said Majesty, her Heirs or Successors; but that such Assembly shall, and is hereby enacted, to continue, and be empowered to meet, convene, and sit, according to the Writs or Summons, whereby the said Assembly was, or shall be convened; and to act, notwithstanding such Death or Demise, for and during the Time of Six Months, and no longer; unless the same shall, by such Governor, Lieutenant Governor, Commander in Chief, or President, and Council, be sooner prorogued or dissolved: And if the said General Assembly shall be so prorogued, then it shall meet and sit, on and upon the Day unto which it shall be prorogued, and continue for the Residue of the said Time of Six Months, unless sooner prorogued or dissolved, as aforesaid.

All Acts of Governor, and Council, Courts of Judicature, Justices of Peace, and other Officers, Civil and Military, passed after the Death of the King or Queen, and before Proclamation of the Successor, shall be valid; and all

III. *AND be it also Enacted,* That all Acts, Deeds, and Sentences, of the Governor, Lieutenant Governor, Commander in Chief, or President and Council, in this Colony and Dominion, for the Time being, which he or they might lawfully do, sign, or pass, during the Life of the King or Queen, for the Time being, shall be valid, to all Intents and Purposes in Law, although the same happen to be acted, done, or signed, after the Death of the said King or Queen, and before the said Death is by Proclamation publicly notified in this Country: As also, all Acts of the Council, Judgments of all Courts, Acts of Justices of the Peace, and all other Officers, Civil and Military, within this Colony and Dominion, which they might lawfully do, or pass, during the Life of the King or Queen, for the Time being, be valid, to all Intents and Purposes in Law, although the same happen to be acted after the Death of the said King or Queen, and before the Notification

tion thereof, by the Government, in this Colony and Dominion. And that all Treasons, Rebellions, and all other Crimes whatsoever, committed, or which shall be committed, during the said Time, shall be punishable, to all Intents, as if the King or Queen had been actually alive at the Time of the committing thereof.

A. D. 1705.

Offences against the Crown punishable.

IV. *PROVIDED always, and it is hereby Declared*, That nothing in this Act contained, shall extend, or be construed to extend, to alter, or abridge the Power of the Governor, Lieutenant Governor, or Commander in Chief, or President and Council, of this Colony and Dominion, for the Time being, here, to prorogue or dissolve this or any other General Assembly, in this Dominion, within the said Six Months, or at any other Time: Nor to limit the Governor, Lieutenant Governor, Commander in Chief, or President and Council, for the Time being, in the Execution of any Instructions he or they shall receive from the succeeding King or Queen of *England*, relating to the Prorogation or Dissolution of Assemblies.

This Act not to abridge the Governor's Power in proroguing or dissolving General Assemblies; nor to limit the Governor and Council in the Execution of Instructions by them received from the succeeding King or Queen.

C H A P. XXIX. *Chap. 29*

An Act for laying an Imposition upon Skins and Furrs; for the better Support of the College of William and Mary, in Virginia.

I. **B**E it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That there shall be satisfied and paid, to Her Majesty, her Heirs and Successors, for and towards the better Support and Maintenance of the College of *William and Mary*, in *Virginia*, the following Duties, Customs and Imposts, for the following Goods, Wares and Merchandizes, which shall be exported and carried out of this Her Majesty's Dominion, either by Land or Water: (That is to say,)

Duties on Skins appropriated to the Maintenance of the College of *William & Mary*.

FOR every raw Hide, Three Pence: For every tann'd Hide, Six Pence: For every drest Buck-skin, One Penny Three Farthings: For every undrest Buck-skin, One Penny: For every Doe-skin drest, One Penny Half Penny: For every undrest Doe-skin, Three Farthings: For every Pound of Bever, Three Pence: For every Otter-skin, Two Pence: For every wild Cat-skin, One Penny Half Penny: For every Mink-skin, One Penny: For every Fox-skin, One Penny Half Penny: For every Dozen of Raccoon-skins, Three Pence, and so proportionably for a greater or lesser Quantity: For every Dozen of Musk-rat-skins, Two Pence, and so proportionably for a greater or lesser Quantity: And, for every Elk-skin, Four Pence Half Penny.

What the Duties are.

for the maintenance of the College of William and Mary

II. *AND be it Enacted*, That the said Duties, Customs, and Imposts, shall be paid and satisfied, by the Person or Persons exporting or carrying out the same, either by Land or Water, to the Collector or Collectors, which shall be appointed by the Governor, or Commander in Chief, for the Time being, with the Advice of the Council, to receive the said Duties, Customs, and Impost, before the said Goods, Wares, and Merchandizes shall be shipped off, exported, or carried out of and from this Dominion, either by Land or by Water; and a Certificate thereof obtained from the Collector or Collectors of the District where such Goods, Wares and Merchandizes shall be so exported or carried away, signifying the Payment and Satisfaction of such Duties,

The Duties shall be paid to the Collectors appointed by Governor and Council, before the Goods are shipped off, by the Exporter, who shall take a Certificate from the Collectors.

A. D. 1705.

Collector, on Pen-
alty of for-
feiting the
Goods ship-
ped, &c.

Duties, Customs, and Impost, as aforesaid; under the Penalty of forfeiting such of the Goods, Wares, and Merchandizes, which shall be shipped off, or laden on Board of any Boat, Sloop, Ship, or other Vessel, in order to the Exportation thereof by Water, or endeavoured to be carried out of this Country by Land: The one Moiety thereof to Her Majesty, her Heirs and Successors, to and for the better Support of the Government, and the contingent Charges thereof; and the other Moiety to him or them that shall sue or prosecute for the same, in any Court of Record within this Colony: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, wherein no Escoign, Protection, or Wager of Law, shall be allowed.

Collectors
shall account
with the Go-
vernors of the
College, and
shall be al-
lowed 6 per
Cent.

III. *AND be it further Enacted*, That the several Collectors, or Officers, appointed to collect and receive the said Duties, Customs, and Imposts, shall, from Time to Time, be accountable and pay the same to the Governors of the said College of *William and Mary*, or such other Person or Persons as shall be by them lawfully deputed: And that for the Receiving and Paying thereof, the said Collector or Collectors shall be allowed Six *per Cent*.

All former
Laws relating
to any Matter
within this
Act, repeal'd.

IV. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XXX.

An Act for the effectual Suppression of Vice, and Restraint and Punishment of blasphemous, wicked, and dissolute Persons.

Persons edu-
cated in the
Christian Re-
ligion, and
upon Infor-
tion in the
General Court
convicted of
Atheism, De-
ism, or Infide-
lity, shall, for
the 1st Of-
fence, be dis-
abled to hold
any Office,
Ecclesiastical,
Civil, or Mi-
litary.

2d Offence,
incapable to
prosecute any
Action in Law
or Equity, or
to be a Guar-
dian, Execu-
tor, Adminis-
trator, Devi-
see, or Lega-
tee, or to bear
Office, and 3
Years Imprisonment with-
out Bail.

I. *BE it Enacted, by the Governor, Council, and Burgesses, of this pre-
sent General Assembly, and it is hereby Enacted, by the Authority
of the same*, That if any Person or Persons, brought up in the Christian Re-
ligion, shall, by Writing, Printing, Teaching, or advised Speaking, deny the
Being of a God, or the Holy Trinity, or shall assert or maintain there are
more Gods than One, or shall deny the Christian Religion to be true, or the
Holy Scriptures of the Old and New Testament to be of Divine Authority,
and be thereof lawfully convicted, upon Indictment or Information, in the
General Court of this Her Majesty's Colony and Dominion; such Person or
Persons, for the first Offence, shall be adjudged incapable, or disabled in
Law, to all Intents and Purposes whatsoever, to hold and enjoy any Office
or Employment, Ecclesiastical, Civil, or Military, or any Part in them, or
any Profit or Advantage to them appertaining, or any of them: And if any
Person or Persons, so convicted, as aforesaid, shall, at any Time of his or
their Conviction, enjoy or possess any Office, Place or Employment, such
Office, Place or Employment, shall be void, and is hereby declared void:
And if such Person or Persons shall be a second Time lawfully convicted, as
aforesaid, of all or any of the Crimes aforesaid, that then he, she, or they,
shall from thenceforth be disabled to sue, prosecute, plead, or use, any Action
or Information, in any Court of Law or Equity, or to be Guardian to any
Child, or to be Executor or Administrator of any Person, or capable of any
Deed of Gift or Legacy, or to bear any Office, Civil or Military, for ever,
within this Her Majesty's Colony and Dominion; and shall also suffer, from
the

the Time of such Conviction, Three Years Imprisonment, without Bail or Mainprife. A. D. 1705.

II. *PROVIDED* always, and be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That no Person shall be prosecuted, by Virtue of this Act, for any Word spoken, unless Information, upon Oath, be given in, of the Words, before one or more Justice or Justices of the Peace, within One Month after such Words spoken, and the Prosecution of such Offence be within Twelve Months after such Information.

But for Words spoken, Information shall be made within 1 Month, before a Justice of Peace, and Prosecution commenced within 12 Months after.

III. *PROVIDED* also, and be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Person or Persons convicted the First Time, of all, or any of the aforesaid Crimes, in Manner aforesaid, shall, within the Space of Six Months after his, her, or their Conviction, make his, her, or their public Acknowledgement and Renunciation of such Offence, or erroneous Opinions, in the same Court where such Person or Persons was or were convicted, that then, he, she, or they, shall be thence freed and discharged from all Penalties and Disabilities incurred by such Conviction; any thing in this Act to the contrary, in any-wise, notwithstanding.

Persons convicted of the 1st Offence, making a public Recantation, &c. within 6 Months, discharged from the Penalties.

IV. *AND* be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Person or Persons shall profanely swear or curse, or shall be drunk, he, she, or they so offending, for every such Offence, being thereof convicted, by the Oath of one or more Witnesses, which Oath, any Justice of the Peace is hereby impowered and required to administer, (or by Confession before one or more Justice or Justices of the Peace in the County where such Offence shall be committed,) shall forfeit and pay the Sum of Five Shillings, or Fifty Pounds of Tobacco, for every such Offence; or if the Offence or Offences be committed in the Presence and Hearing of one or more Justice or Justices of the Peace, or in any Court of Record in this Her Majesty's Colony and Dominion, the same shall be a sufficient Conviction, without any other Evidence; and the said Offender shall, upon such Conviction, forfeit and pay the Sum of Five Shillings, or Fifty Pounds of Tobacco, for every such Offence: And if any Person or Persons shall refuse to make present Paiment, or give sufficient Caution for the Paiment of the same, at the laying of the next Parish Levy after the said Offence committed, then the said Fines and Penalties shall be levied upon the Goods of such Person or Persons, by Warrant or Precept, from any Justice of Peace before whom the same Conviction shall be; which Warrant may be directed to the Sheriff of the County, or to the Constable in his respective Precinct, to be appraised and valued, as in other Distresses: And if the Offender or Offenders be not able to pay the said Sum or Sums, then he, she, or they shall have and receive Ten Lashes upon his or her bare Back, well laid on, for every such Offence.

Persons convicted of profane Swearing, Cursing, or Drunkenness, by Oath of 1 Witness, before a Justice of Peace, forfeit 5 s. or 50 lb. Tob. for every Offence. Confession before a Justice; or if such Offence be committed in his Presence, or in a Court of Record, the Party liable to the like Penalty.

On Refusal of present Paiment, or Security, the Fine may be levied by Distress; & if no Goods shall be found, the Offender shall receive 10 Lashes for every Offence.

V. *PROVIDED* always, That every Prosecution, by Virtue of this Act, for Swearing, Cursing, or for being Drunk, shall be made within Two Months after the Offence committed, and not afterwards.

But Prosecution to be within Two Months.

VI. *AND* to the End, that the Lord's Day, commonly called Sunday, may be kept Holy,

VII. *BE* it Enacted, and it is hereby Enacted, by the Authority aforesaid, That if any Person, being of the Age of Twenty One Years, or upwards, shall wilfully absent him or her self from Divine Service at his or her Parish Church or Chapel, the Space of One Month, (excepting as is excepted in an

Persons convicted of not being at Church once every Month, (Protestant

A. D. 1705.

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Dissenters excepted) or of profaning the Sabbath, by Gaming, Tippling, Traveling, or Working in Corn or Tobacco, forfeit 5s. or 50lb. Tob. for each Offence.

And on Refusal of Paiment, or Security, shall receive Ten Lashes.

Persons convicted, by the Oaths of 2 Witnesses, or Confession, of Adultery, forfeit 1000 lb. Tob. or Fornication, 500 lb. Tobacco, and Cask, recoverable at the Suit of the Churchwardens.

Refusal of Paiment, &c. 25 Lashes.

Fines arising by this Act, to be distributed to the Poor.

This Act shall be read in all Churches, &c. in April and September, Annually, on Penalty of 20s. Churchwardens shall provide a Copy, &c.

Act of Parliament passed in the First Year of King *William* and Queen *Mary*, intituled, *An Act for exempting their Majesty's Protestant Subjects dissenting from the Church of England, from the Penalties of certain Laws;* and shall not, when there, in a decent and orderly Manner, continue till the said Service is ended; and if any Person shall, on that Day, be present at any disorderly Meeting, Gaming, or Tippling, or shall, on the said Day, make any Journey, and travel upon the Road, except to and from Church, (Cases of Necessity and Charity excepted,) or shall, on the said Day, be found Working in their Corn or Tobacco, or any other Labour of their ordinary Calling, other than is necessary for the Sustenance of Man and Beast; every Person failing or making Default in any of the Premises, and being lawfully convicted, by Confession, or otherwise, before one or more Justice or Justices of the Peace of the County wherein such Offence shall be committed, (so that Prosecution be made within Two Months after such Default,) shall forfeit and pay, for every such Offence, the Sum of Five Shillings, or Fifty Pounds of Tobacco: And if any Person or Persons herein offending, shall refuse to make present Paiment, or give sufficient Caution for the Paiment of the Fine at the laying of the next Parish Levy after such Offence committed, each Party so offending, and not paying or giving Security as aforesaid, shall, by Order of such Justice or Justices before whom such Conviction shall be, receive on his or her bare Back, Ten Lashes, well laid on.

VIII. *AND be it also further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That every Person, not being a Servant or Slave, committing Adultery or Fornication, and being thereof lawfully convicted, by the Oaths of Two or more credible Witnesses, or Confession of the Party, shall, for every Offence of Adultery, forfeit and pay One Thousand Pounds of Tobacco, and Cask; and for every Offence of Fornication, Five Hundred Pounds of Tobacco, and Cask: To be recovered by the Suit or Prosecution of the Churchwarden or Churchwardens of the Parish wherein such Offence shall be committed, by Bill, Complaint, or Information, in any Court of Record within this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed. And if any Person or Persons offending herein, shall refuse to make present Paiment, or give sufficient Caution for the Paiment of the Fine, at the laying of the next Parish Levy after such Conviction, each Party so offending, and not paying or giving Security as aforesaid, shall receive on his or her bare Back, at the Public Whipping-Post, Twenty Five Lashes, well laid on.

IX. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared*, That all the Fines and Forfeitures in this Act mentioned, shall be paid to the Churchwardens of that Parish wherein the Offence shall be committed; who shall be accountable for the same, to the Vestry, for the Use of the Poor of the Parish: Which said Vestry shall Annually, on *Easter Tuesday*, if fair, (if not, the next fair Day,) at the Parish Church, distribute the said Fines and Forfeitures, according to their Discretion, among the Poor of their Parish.

X. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall be publicly read Two several Times in the Year in all Parish Churches and Chapels within this Colony, by the Minister, Clerk, or Reader of each Parish, immediately after Divine Service; that is to say, On the First or Second Sunday in *April*, and on the First or Second Sunday in *September*, under the Penalty of Twenty Shillings for every such Omission and Neglect; and the Churchwardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish.

XI. PRO-

A. D. 1705.

Clergymen,
guilty of any
Offences here-
in mentioned,
liable to fur-
ther Punish-
ment.

All former
Laws relating
to the Sup-
pression of
Vice, &c. re-
pealed.

XI. *PROVIDED* always, That nothing therein contained, shall be construed to exempt any Clergyman within this Colony, who shall be guilty of any of the Crimes herein before-mentioned, from such further Punishment as might have been inflicted on him for the same, before the making of this Act; any Thing herein contained to the contrary, notwithstanding.

XII. *AND* be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the Suppression of Vice, or Restraint and Punishment of blasphemous, wicked, and dissolute Persons, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XXXI.

An Act for Security and Defence of the Country in Times of Danger. R E P. Repealed,
Ch. 5. 1727.

C H A P. XXXII.

An Act concerning Juries.

I. **F**OR the more regular Inquiry into the Breaches of Penal Laws, and Trials of Matters of Fact, in the several Courts of Judicature in this Dominion, by Grand Juries and Petit Juries,

Preamble.

II. *BE* it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That every County Court, shall cause at least Four and Twenty Freeholders of their County, to be summoned to appear at *May* Court, and *November* Court, in every Year; out of which, shall be impannelled a Grand Jury, who shall be sworn to make Inquiry into the Breach of the Laws, and to make Presentment of the Offenders: And such Grand Jury having made Presentment of all such Matters as come to their Knowledge, shall be discharged at the Adjournment of the same Court; but if they cannot agree upon all their Presentments before such Adjournment, then they shall have Liberty to finish their Presentments, and to appear, and present them at the next Court; always observing, that when they make any Presentment, upon the Information of any other Persons than themselves, that they write the Names of such Persons under the Presentment, to the End the same may be the more effectually prosecuted: And if any Freeholder, summoned to appear at *May* Court, or *November* Court, as aforesaid, shall fail to appear, (so as no Grand Jury can thereupon be impannelled,) such Freeholder, so failing to appear, shall be fined by the Court, in the Sum of Two Hundred Pounds of Tobacco, to our Sovereign Lady the Queen, her Heirs and Successors, for the Use of the County: And if the Court of any County shall fail to give Order for the summoning Four and Twenty Freeholders of their County, as aforesaid, to make a Grand Jury; or, upon the Appearance of Fifteen of them,

County
Courts shall
order Sum-
mons for 24
Freeholders to
appear at *May*
and *November*
Courts, Year-
ly; & impan-
nel a Grand
Jury to pre-
sent Offenders
against Penal
Laws.

Grand Juries
making Pre-
sentments, o-
ther than of
their own
Knowledge,
shall write the
Names of the
Informers, un-
der such Pre-
sentment.

Freeholders
failing to ap-
pear, upon
Summons fi-
ned 200 lb.
Tob. to the
County.

A. D. 1705. them, shall omit to swear a Grand Jury, as aforesaid, every Member of such Court, so failing, or omitting, shall forfeit and pay Four Hundred Pounds of Tobacco, to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Colony and Dominion, and the contingent Charges thereof: To be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion, in which no Effoin, Protection, or Wager of Law, shall be allowed. And if the Sheriff of any County, upon Order given by the Court, to summon Twenty Four Freeholders, as aforesaid, shall fail to perform his Duty therein, and to return the Names of the Persons summoned, he shall forfeit and pay One Thousand Pounds of Tobacco, to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Colony and Dominion, and the contingent Charges thereof: To be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record, within this Dominion; in which no Effoin, Protection, or Wager of Law, shall be allowed.

Court failing to order Summons, or to swear a Grand Jury, upon the Appearance of 15, every Justice forfeits 400 lb. Tob. Sheriff failing to execute the Summons, &c. forfeits 1000 lb. Tob.

Sheriffs attending the General Court may summon a Grand Jury of the By-standers, being Freeholders, &c. Persons so summoned, failing to appear, forfeit 400 lb. Tob.

III. A N D, for Presentments to be made at the General Court, it shall be lawful, for the Sheriff, or other Officer, attending the said Court, to summon a Grand Jury of the By-Standers, being Freeholders, who shall and may, and are hereby declared to have full Power, to make Presentments of any Offences whatsoever, committed, or to be committed or done, within this Colony. And, to the End that the Grand Juries summoned to the General Court, may be constituted of the most capable Persons, it shall be lawful for the said General Court, upon the First or Second Day of their Sitting, to make a Rule, for the Sheriff, or other Officer, attending the Court, to summon Twenty Four Persons, as aforesaid, to attend the Court, for a Grand Jury: And if any Person, so summoned, shall fail to appear, he shall forfeit and pay Four Hundred Pounds of Tobacco, to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Colony and Dominion, and the contingent Charges thereof: To be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion; in which no Effoin, Protection, or Wager of Law, shall be allowed.

No Grand Jury shall make Presentment, as of their own Knowledge, upon Information of less than 2 of their Number.

All Civil Causes in the General and County Courts, shall be tried by a Jury of 12 Men, to be summoned by the Sheriff; &c. Persons so summoned, failing to attend the Court shall be fined 400 lb. Tob.

IV. *PROVIDED* always, That no Grand Jury shall make any Presentments, as of their own Knowledge, upon the Information of less than Two Persons of their own Number.

V. *AND be it further Enacted*, That for the Trial of all Causes, (Treason and Felony excepted) both in the General Court, and County Court, the Sheriff, and other Officer, attending the Court, shall, every Morning the Court sits, summon a sufficient Number of the By-Standers, qualified as hereafter is directed, to attend the Court, for that Day; that out of them may be impanelled a sufficient Jury, for the Trial of any Cause (except before excepted) which shall be depending in such Court. And if any By-Stander, being summoned, as aforesaid, shall fail to attend the Court, so as a sufficient Jury cannot be impanelled, every such By-Stander, so failing, shall be fined by the Court, Four Hundred Pounds of Tobacco, to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Colony and Dominion, and the contingent Charges thereof.

Criminal Causes shall be tried by a Petit Jury.

VI. A N D, for the Trials of all Treasons and Felonies, *Be it Enacted, by the Authority aforesaid*, That the Petit Jury for the same, shall be made up in Manner following: (That is to say,) When any Person shall be committed,

mitted, for Treason or Felony, the Sheriff, or other Officer to whom such Person shall be committed, shall signify the same to the Clerk of the General Court, for the Time being, together with the Crime for which such Commitment shall be made, and the particular Place wherein the same shall be alledged to be committed: Whereupon, the Clerk of the General Court shall issue forth a Writ of *Venire facias*, to the Sheriff of the County where the Crime shall be alledged to be committed, requiring him to summon and return the Names of Six discreet and honest Freeholders of his County, residing as near as may be to that Part of the County where the Crime shall be alledged to be committed, to appear at the Fourth Day of the General Court then next coming, to be of the Jury for the Trial of the same; which Six Freeholders, or so many of them as shall not be challenged, shall be of the Jury; and as many Persons more as shall be wanting to make up the Pannel, shall be taken of the By-Standers, being discreet and honest Freeholders within this Colony, and who shall, every one of them, be possessed of a visible Real and Personal Estate, of the Value of One Hundred Pounds, at least.

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Clerk of the General Court shall issue a *Venire Facias*, to summon 6 Freeholders of that County, whence the Criminal was removed, to be of the Jury; unless challenged; and the Pannel shall be made up of By-standers, being Freeholders, &c.

VII. *AND be it further Enacted, by the Authority aforesaid*, That no Person shall be capable to be of a Jury, for the Trial of any Treason, Felony, Breach of the Peace, or of any Misprision, Breach of any penal Law, or any other Pleas of the Crown, or of any Estate of Freehold, or any Estate or Title in or to any Lands, Tenements or Hereditaments, in any Court in this Dominion, unless such Person shall be a Freeholder, and shall be possessed of a visible Estate, Real and Personal, of at least the Value of One Hundred Pounds *Sterling*. And that no Person shall be capable to be of a Jury for the Trial of any Cause whatsoever, in the General Court, unless he be a Freeholder, and possessed of a visible Estate, Real and Personal, of the said Value of One Hundred Pounds *Sterling*, at the least. And that no Person shall be capable to be of a Jury, for the Trial of any Cause whatsoever, in any County Court within this Dominion, unless he shall be possessed of a visible Estate, Real or Personal, of the Value of Fifty Pounds *Sterling*, at the least. And that no Sheriff, or other Officer, shall, at any Time hereafter, summon or return any Person to serve as a Jurymen, in any Court, who shall not be capacitated for the same, according as is herein before directed.

Jurymen on Trials of Pleas of the Crown, or of Lands, or Real Estate, or of any Cause in the General Court shall be Freeholders, and possessed of 100l. visible Estate; & in County Court Causes, a Jurymen shall be worth 50l. *Sterling*.

Sheriff shall not summon, or return Persons not qualified to serve on Juries.

VIII. *PROVIDED always*, That the Exceptions to be taken to any Jury-man, on Account of his Estate, shall be taken before he be sworn, or else not to be allowed.

After the Jury is sworn, none shall be challenged for want of Estate.

IX. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the Inquiry into the Breaches of penal Laws, and Trials of Matters of Fact, in the several Courts of Judicature, in this Dominion, by Juries, or concerning any Matters or Things within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to Juries, &c. repealed.

A. D. 1705.

C H A P. XXXIII.

Chap. 4

An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates; and for securing Orphans Estates.

I. **F**OR the more equal Distribution of the Estates of Persons dying Intestate,

Estates of Persons dying Intestate, shall be distributed to the Wife and Children, or Kindred of the deceased, viz. $\frac{1}{2}$ to the Wife, and the Residue to the Children, or their legal Representatives, in equal Proportions,

Except such Children (other than the Heir) who have had Settlements, or received Portions in the Life Time of the Intestate; but if such Portion be not equal to the Share arising by the Distribution to the other Children, the Residue shall be paid out of the Estate.

The Heir, besides the Land, shall have an equal Share of all other Estate.

Method for dividing Estates of Children dying Intestate after the Father & during the Life Time of the Mother.

II. *BE it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That after Debts, Funerals, and just Expences of every Sort, first paid and allowed, the Surplusage of all and singular the Goods, Chattels, and Personal Estate of every Person dying Intestate, shall be distributed amongst the Wife and Children, or Childrens Children, if any such be, or otherwise, to the next of Kin to the dead Person, in equal Degree, or legally representing their Stocks, *pro suo cuique Jure*, according to the Laws in such Cases, and the Rules and Limitations herein after set down; that is to say, One Third Part of the said Surplusage to the Wife of the Intestate, and all the Residue, by equal Portions, to and amongst the Children of such Persons dying Intestate, and such Persons as legally represent such Children, in Case any of the said Children be then dead, other than such Child or Children, (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate, in his Life Time, by Portion or Portions, equal to the Share which shall, by such Distribution, be allotted to the other Children, to whom such Distribution is to be made: And in case any Child (other than the Heir at Law) shall have any Estate by Settlement from the Intestate, or shall be advanced by the said Intestate in his Life Time, by Portion, not equal to the Share, which will be due to the other Children, by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate, to be distributed to such Child or Children, as shall have any Lands by Settlement from the Intestate, or were advanced in the Life Time of the Intestate, as shall make the Estate of all the said Children to be equal, as near as can be estimated: But the Heir at Law, notwithstanding any Land he shall have by Descent, or otherwise, from the Intestate, is to have an equal Part in the Distribution with the rest of the Children, without any Consideration of the Value of the Land which he hath by Descent, or otherwise, from the Intestate. And if, after the Death of a Father, any of his Children shall die Intestate, without Wife or Children, in the Life Time of the Mother, every Brother and Sister, and the Representatives of them, shall have an equal Share with her: And if all the Children shall die Intestate, without Wife or Children, in the Life Time of the Mother, then the Portion of the Child so dying last, shall be equally divided, One Moiety to the Mother, and the other Moiety to the next of the Kindred by the Father: And if there be no such Kindred by the Father, then the Whole shall be to the Mother; any Law, Usage, or Custom to the contrary, notwithstanding.

AND in case there be no Children, or any legal Representatives of them, then One Moiety of the said Surplusage to be allotted to the Wife of the Intestate, and the other Moiety to be distributed equally to every of the next of Kindred to the Intestate, who are in equal Degree, and those who legally represent

for the distribution of Estates of Persons dying Intestate, after the Father & during the Life Time of the Mother.

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represent them; and if there be no such Kindred, then all the said Surplusage to be to the Wife.

III. *PROVIDED*, That there be no Representations admitted amongst Collaterals, after Brothers and Sisters Children. And in case there be no Wife, then all the said Surplusage to be distributed equally to and amongst the Children. And in case there be no Child, then to the next of Kindred, in equal Degree of or unto the Intestate, and their legal Representatives, as aforesaid; and in no other Manner whatsoever.

IV. *PROVIDED also*, That when any Person dies Testate, if he leaves One or Two Children, and no more, he shall not have Power to dispose of more than Two Third Parts of his Estate, by Will, to any other Person or Persons than his Wife; and One Third Part thereof, at the least, shall be given to her. And if such Person shall leave more than Two Children, he shall not leave his Wife less than a Child's Part, according to the Number of Children: But if such Person leaves no Child, then the Wife shall have at least one equal Moiety of his Estate. And if any Person shall leave a Will, wherein a lesser Part of his Estate shall be given to his Wife than is herein directed, such Will, as to so much thereof as relates to the Wife, upon her Petition to the Court where the same shall be proved, shall be declared null and void: And thereupon, she shall and may be empowered to sue for and recover, such Part of her deceased Husband's Estate, as is herein before directed to be given her.

V. *PROVIDED always*, That if such Wife shall die, before Distribution of her deceased Husband's Estate shall be made, according to this Act, then in such Case, her Executors and Administrators shall be empowered to sue for and recover, so much of the said Estate, as shall be given to her by Will, and no more; any thing herein before, to the contrary, notwithstanding.

VI. *PROVIDED also*, That if the Widow of any Person dying Intestate, shall depart this Life, before the Estate of her deceased Husband shall be appraised, then the Right of such Widow, to her said Husband's Estate, or any Part thereof, shall be determined: Neither shall her Executors or Administrators have Power to commence or prosecute any Suit, for Recovery thereof.

VII. *PROVIDED also, and be it Enacted, by the Authority aforesaid*, to the End that a due Regard be had to Creditors, That no such Distribution, as aforesaid, of the Goods of any Person dying intestate, be made, till after Nine Months be fully expired, after the Intestate's Death: And that such, and every one to whom any Distribution and Share shall be allotted, shall give Bond, with sufficient Sureties, in the Court where such Distribution shall be made, That if any Debt or Debts, truly owing by the Intestate, shall be afterwards sued for, and recovered, or otherwise duly made to appear, that then, and in every such Case, he or she shall respectively refund and pay back to the Administrator, his or her ratable Part of that Debt or Debts, and of the Costs of Suit, and Charges of the Administrator by reason of such Debt, out of the Part and Share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts, so discovered after the Distribution made, as aforesaid.

VIII. *AND be it further Enacted*, That the Widow of any Person dying intestate, shall be endowed of One full and equal Third Part of all her

A. D. 1705.

No Collateral Representatives, after Brothers and Sisters Children.

If no Wife, all the Estate to be equally divided among the Children, &c.

Persons dying Testate, and only leaving two Children, shall not bequeath less than one third of their Estates to the Wife:

If above two Children, a Child's Part; but if no Child, she shall have a Moiety:

Wills otherwise made, shall, upon Petition of the Wife, as to her Part of the Estate, be set aside.

Executors of a Wife dying before Distribution, shall only recover what is given her by Will.

And if the Widow of an Intestate dies before Appraisalment, her Right shall be determined.

Estates shall not be distributed until 9 Months after the Intestate's Death; and Security shall then be given in Court, for indemnifying the Administrator, from Recoveries of Creditors, &c.

A. D. 1705. deceased Husband's Lands, Tenements, and other Real Estate, in Manner as is directed and prescribed by the Laws and Constitutions of the Kingdom of England: And till such Dower shall be assigned, it shall be lawful for her to remain and continue in the Mansion House, and the Messuage or Plantation thereto belonging, without being chargeable to pay the Heir any Rent for the same: Any Law, Usage, or Custom, to the contrary, in any wife, notwithstanding.

Widows of Intestates entitled to Dower, & may remain in the Mansionhouse & Plantation, until Dower assigned, &c.

But Widows bar'd of Dower, by a Jointure, &c. shall not hold any other Messuage, &c.

IX. *PROVIDED* always, That if any Widow shall have such a Jointure settled on her, in the Life-time of her Husband, as by Law doth barr her of her Dower, she shall not hold Possession of any Houses or Messuages of her said deceased Husband, other than what shall be so settled on her.

X. *AND* if it shall so happen, that any Person dies, leaving an Estate of so small Value, that no one will take Administration thereupon,

Where no Person will administer an Estate, Courts may appoint the Sheriff to take Possession.

His Duty, and Fees.

XI. *BE it Enacted*, That in such Case, it shall be lawful for the Court, at the Expiration of Three Months next after such Person's Decease, to empower and direct the Sheriff of the County, to take the said Estate into his Possession, and make Sale thereof, by way of Outcry: And the Buyers of such Estate, shall give Obligations, with Security, for the Paiment of what shall be due from them to the said Estate; which Obligations shall be made payable to the Sheriff, and shall by him be assigned to such Creditors of the deceased, or to such other Persons as the Court shall direct; always regarding the Dignity of the Debts: And for his Trouble herein sustained, the Sheriff shall be paid out of such Estate, after the Rate of Five Pounds *per Cent.* of the Value for which it shall be sold.

XII. *AND* for the better securing the Estates of all Persons deceased, and of all Orphans Estates,

Estates of Executors, Administrators, and Persons chargeable with Orphans Estates, liable for such Estates before any other Debt.

XIII. *BE it Enacted and Declared*, That when any Person shall be chargeable, as Executor or Administrator, or otherwise, with the Estate of any Person deceased, or with any Orphan's Estate, and shall die so chargeable, the Estate of such Person so dying, shall be liable to pay and satisfy such other deceased Person's, or Orphan's Estate, before any other Debt whatsoever; any Law, Custom, or Usage to the contrary hereof, in any-wise, notwithstanding.

Method for securing Orphans Estates. County Courts shall take Security of Guardians, and Annually examine into such Security, and if Defective, or the Orphans are misused, their Education neglected, or Estates imbez-zel'd, may remove the Orphans and Estates.

XIV. *AND be it further Enacted*, That every County Court shall take good Security of all Guardians, for the Estates of the Orphans committed to their Charge, and that they shall Yearly inquire into such Securities; and if any of them become Defective or Insufficient, shall cause new Security to be given: And if it shall appear that the said Estates are likely to be imbez-zelled, or that the Orphans are not taken Care of, and educated, according to their Estates; then the said Court shall have Power to remove the said Orphans (not being of Age to choose their Guardians) and their Estates, and to place them under the Care of such other Persons, as to them shall seem most proper; always taking good Security for the said Orphans Estates, that when the same shall become payable to the said Orphans, they shall be paid without making any Abatement or Allowance (other than of the Profits of the said Estates) for Diet, Cloathing, or any other Matter whatsoever: And if the Estate of any Orphan be of so small a Value, that no Person will maintain him for the Profits thereof, then such Orphan shall, by Direction of the Court, be bound Apprentice to some Handicraft Trade, or Mariner, until he shall attain

1700

attain to the Age of One and Twenty Years. And the Master of every such Orphan shall be obliged to teach him to read and write: And, at the Expiration of his Servitude, to pay and allow him in like Manner as is appointed for Servants, by Indenture or Custom. And if it shall appear, that any such Apprentice be ill used by his Master, or that he fails to teach him his Trade, the Court shall have Power to remove him, and to bind him to such other Person as to them shall seem most proper.

A. D. 1703.

And may bind poor Orphans Apprentices, 'till 21 Years of Age. Masters of Orphan Apprentices shall teach them to read & write, and give them the Allowance prescribed by Law for other Servants. Courts may remove Apprentices mis-used or neglected. Vid. 3 & 4 Geo. 2. cap. 8.

XV. *AND be it further Enacted, and Declared*, That if any County Court shall grant an Administration, upon the Estate of any Person deceased, or shall commit an Orphan's Estate to the Charge of any Person, and shall fail to take good Security for the same, in such Manner as the Law directs; in every such Case, the Justices that shall grant such Administration, or commit such Orphan's Estate, as aforesaid, and every of them, shall be chargeable for all such Loss and Damage as shall accrue by reason of such Failure: To be recoverable by Action at the Common Law, at the Suit of the Party grieved.

Justices of any Court granting Administration, or Guardianship of an Orphan's Estate, and failing to take good Security, liable for such Estate.

XVI. *PROVIDED always, and be it further Enacted*, That when any Party, being Security in any Court, for any Decedent's Estate, or for the Estate of any Orphan, shall think himself in Danger of suffering, by reason of being such Security, and shall petition the said Court for Relief, either by Counter Security, or otherwise, then it shall and may be lawful for the said Court to summon the Party with whom such Security was given, and to make such Order and Decree therein, as to them shall seem consistent with Equity and good Conscience, for the Relief and Indemnifying of such Party so petitioning, as aforesaid.

Securities apprehending themselves in Danger, may petition for Relief.

XVII. *AND be it further Enacted*, That the County Court shall have Power, by their Discretion, to regulate the Funeral Expences of any Person deceased, and to make Allowance for the same, according to his Estate.

County Courts may regulate Funeral Expences.

XVIII. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to any Matter within this Act, repeal'd.

C H A P. XXXIV.

An Act declaring how long Judgments, Bonds, Obligations, and Accounts, shall be in Force, for the Assignment of Bonds and Obligations, directing what Proof shall be sufficient in such Cases; and ascertaining the Damage upon protested Bills of Exchange. R E P.

Repealed by Proclamation, April 15, 1730.

A. D. 1795.

C H A P. XXXV. Chap. 8.

An Act for Limitation of Actions, and avoiding of Suits.

Limitation
of Actions, ex-
cept Accounts
between Mer-
chants, &c.

Cafe, Ac-
count, Tres-
pass, Debt, De-
tinue, Reple-
vin, & *Quare
Clausum fregit*,
shall be
brought with-
in 5 Years af-
ter Cause of
Action accru-
ed.

Assault, Bat-
tery, Wound-
ing, and Im-
prisonment,
in 3 Years.

Slander, in
1 Year after
the Words
spoken.

Proviso, if a
Judgment gi-
ven for the
Plaintiff be
reversed by
Writ of Er-
ror or Appeal,
or if the De-
fendant be
outlaw'd, and
reverse the
Outlawry,
Plaintiff may
re-commence
his Action
within 1 Year.

In Actions
of Trespafs,
*Quare Clau-
sum fregit*,
where the De-
fendant pleads
a Disclaimer
and involun-
tary Trespafs;
with Tender
of Amends
before Action
brought Plain-
tiff shall join
Issue, and if
that be found
for the De-
fendant, or the
Plaintiff be
non-suited, he
shall be bar'd,
&c.

I. **F**OR avoiding of Law Suits, *BE it Enacted*, by the Governor, Coun-
cil, and Burgesses, of this present General Assembly, and it is here-
by *Enacted*, by the Authority of the same, That all Actions of Trespafs,
Quare Clausum fregit, all Actions of Trespafs, Detinue, Action Sur Trover,
and Replevin, for taking away of Goods and Cattle, all Actions of Account,
and upon the Cafe, other than such Accounts as concern the Trade of Mer-
chandize between Merchant and Merchant, their Factors or Servants, all Ac-
tions of Debt grounded upon any Lending or Contract, without Specialty,
all Actions of Debt for Arrearages of Rent, all Actions of Assault, Menace,
Battery, Wounding, and Imprisonment, or any of them, which shall be sued,
or brought, at any Time after the End of this present Session of Assembly, shall
be commenced and sued within the Time and Limitation hereafter expressed,
and not after; (that is to say,) The said Actions upon the Cafe, (other than
for Slander;) and the said Actions for Account; and the said Actions for Tres-
pafs, Debt, Detinue, and Replevin, for Goods and Cattle; and the said Ac-
tions for Trespafs, *Quare Clausum fregit*, within Two Years next after the
End of this present Session of Assembly, or within Five Years next after the
Cause of such Actions or Suits, and not after; and the said Actions of Tres-
pafs, of Assault, Battery, Wounding, Imprisonment, or any of them, within
One Year next after the End of this present Session of Assembly, or within
Three Years next after the Cause of such Actions or Suits, and not after;
and the said Actions upon the Cafe for Words, within One Year after the
End of this present Session of Assembly, or within One Year next after the
Words spoken, and not after.

II. *PROVIDED nevertheless, and be it Enacted*, That if in any of
the said Actions or Suits, Judgment be given for the Plaintiff, and the same
be afterwards reversed by Error; or a Verdict pass for the Plaintiff, and upon
Matter alledged in Arrest of Judgment, the Judgment be given against the
Plaintiff, that he take nothing by his Plaint, Writ, or Bill; or if any of the
said Actions shall be brought by Original, and the Defendant therein, be
outlawed, and shall after reverse the Outlawry, that in all such Cases, the
Party Plaintiff, his Heirs, Executors, or Administrators, as the Case shall re-
quire, may commence a new Action or Suit, from Time to Time, within
One Year after such Judgment reversed, or such Judgment given against the
Plaintiff or Outlawry reversed, and not after.

III. *AND be it further Enacted*, That in all Actions of Trespafs, *Quare
Clausum fregit*, hereafter to be brought, wherein the Defendant or Defen-
dants shall disclaim, in his or their Plea, to make any Title or Claim to the
Land, in which the Trespafs is, by the Declaration, supposed to be done,
and the Trespafs be by Negligence, or Involuntary, the Defendant or Defen-
dants shall be admitted to plead a Disclaimer; and that the Trespafs was by
Negligence, or Involuntary, and a Tender or Offer of sufficient Amends for
such Trespafs, before the Action brought, whereupon, or upon some of them,
the Plaintiff or Plaintiffs shall be enforced to join Issue: And if the said Issue
be found for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall
be non-suited, the Plaintiff or Plaintiffs shall be clearly barred from the said
Action or Actions, and all other Suit concerning the same.

IV. *AND*

For the Limitation of Writs of Forfeiture in
Descender, remainder, and reversion. See 22. Geo. 2. 1748 / Cap. 1. Sect. 18
For Writs of right See Sect. 20 of the same Act.

IV. *AND be it further Enacted, by the Authority aforesaid, That in all Actions upon the Case, for slanderous Words, to be sued or prosecuted by any Person or Persons in the General Court of this Dominion, or in any Court whatsoever, that hath Power to hold Plea of the same, after the End of this present Session of Assembly, if the Jury, upon the Trial of the Issue in such Action, or the Jury that shall inquire of the Damages, do find or assess the Damages under Forty Shillings, then the Plaintiff or Plaintiffs in such Action shall have and recover only so much Costs as the Damages so given or assessed amount unto, without any further Increase of the same; any Law, Statute, Custom, or Usage to the contrary, in any-wise, notwithstanding.*

M.D. 1705.
In Slander, if the Damages assessed, be under 40s. Plaintiff shall have no more Costs than Damages.

22. Geo 2. 1748/24p. 5.

V. *PROVIDED nevertheless, and be it further Enacted, That if any Person or Persons, that is or shall be entitled to any such Action of Trespass, Detinue, Action Sur-Trover, Replevin, Actions of Account, Actions of Debt, Actions of Trespass for Assault, Menace, Battery, Wounding, or Imprisonment, be, or shall be, at the Time of any such Cause of Action given or accrued, fallen or come, within the Age of Twenty One Years, Feme-Covert, Non Compos Mentis, imprisoned, beyond the Sea, or out of the Country; that then such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times as are before limited, after their coming to or being of full Age, Discover, of sane Memory, at Large, and returned from beyond the Seas, or from without this Country, as by other Persons, having no such Impediment, should be done.*

Persons, at the Time of Action accrued, being within Age, Feme-Covert, Non Compos Mentis, imprisoned, or out of the Country, may bring Suit within the Time limited, after such Impediments removed.

VI. *PROVIDED also, and be it further Enacted, That if any Person or Persons, Defendant or Defendants to any of the aforesaid Actions, shall abscond or conceal themselves, or by Removal out of the Country, or the County where he or they do or shall reside, when such Cause of Action accrued; or by any other indirect Ways or Means, defeat or obstruct any Person or Persons, who have Title thereto, from bringing and maintaining all or any of the aforesaid Actions within the respective Times limited by this Act; that then, and in such Cases, such Defendant or Defendants are not to be admitted to plead this Act in Bar, to any of the aforesaid Actions; any thing in this Law, in any-wise to the contrary, notwithstanding.*

Defendant concealing himself, or removing out of the Country, or County, shall have no Benefit by this Act.

C H A P. XXXVI.

An Act for Attornies prosecuting Suits, on Behalf of Persons out of the Country, to give Security for the Paiment of such Costs, and Damages as shall be awarded against them. R E P.

Repealed, Ch. 3. 1727.

C H A P. XXXVII.

An Act directing the Manner of levying Executions; and for Relief of poor Prisoners for Debt. R E P.

Repealed, Ch. 3. 1726.

A.D. 1709.

C H A P. XXXVIII.

An Act for removing Criminals from the Goals of the Countie's where they shall be apprehended, to the Public Goal at Williamsburg.

Justice of the Peace committing a Criminal to the County Goal, for Offences triable in the General Court only, shall require the Sheriff to summon a Court to be held not less than 5, nor above 10 Days after the Date of the Warrant.

If upon Examination it appears to the Court, that the Prisoner ought to be tried before the General Court, 2 Justices (*Quorum unus*) may remove such Criminal to the Public Goal, and empower the Sheriff to impress Guards, &c.

BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That when any Person shall, at any Time hereafter, by Precept from any Justice of the Peace within this Dominion, be committed to the Goal of the County, for any such Criminal Offence, as shall appear to such Justice to be triable in the General Court only; in such Case, it shall be lawful for the same Justice to issue his Warrant to the Sheriff of the County, requiring him to summon the Justices of the same County, to meet at a certain Time to be appointed in the said Warrant, not less than Five Days, nor above Ten Days after the Date thereof, and hold a Court for examining the Prisoner, and all Witnesses and Circumstances relating to the Matter whereof he or she shall be accused; and to consider whether, as the Case shall appear to them, he or she may be tried in the County, or must be removed from thence, to be tried at the General Court: Which Warrant the said Sheriff is hereby required to obey and execute; and by Virtue thereof, the said Justices may lawfully meet and hold Court for the Intents herein mentioned: And if, upon Examination before the said Court, they are of Opinion, that the Prisoner ought to be tried for the Fact whereof he or she is accused, before the General Court, they shall signify the same, by entering such their Opinion upon Record in the said Court, and shall remand the said Prisoner to the County Gaol; and thereupon, it shall be lawful for any Two Justices of the said Court, (whereof One shall be of the *Quorum*) by Precept under their Hands and Seals, signifying the true Cause of Commitment, directed to the Keeper of the Public Goal at the City of *Williamsburg*, to remove the said Prisoner, and commit him or her to the said Public Goal, there to remain until he or she shall be thence delivered by due Course of Law: By Virtue whereof, the Sheriff of the said County shall, as soon as he can conveniently, remove the Prisoner to the said Public Goal, and shall deliver him or her, together with the said Precept, to the Keeper thereof; who is hereby required to give due Obedience thereunto, and to receive, and in his Custody safely to keep such Prisoner so delivered unto him, by Virtue thereof. And for the better enabling the said Sheriff to perform his Duty herein, it shall be lawful for the said Two Justices as aforesaid, by Warrant under their Hands and Seals, to empower the said Sheriff, as well within his own County, as in all other Counties through which he shall have Occasion to pass with the said Prisoner, to impress such and so many Men, Horses, Sloops, or Boats, as shall be necessary, for the safe conveying the said Prisoner to the Public Gaol aforesaid; which Warrant, the said Sheriff is hereby authorized and empowered to put in Execution: And all other Persons are required to give due Obedience thereunto, so as the said Sheriff shall proceed therein, in Manner as is directed by Law upon such Impressing in other Cases.

But if the Offence is bailable, Prisoners shall not be removed in less than 20 Days.

H. PROVIDED nevertheless, That when any Prisoner shall, by the Court, be remanded to the County Goal, as aforesaid, if the Offence be of such a Nature, as the Prisoner may be admitted to Bail; then, and in such Case, he or she shall not be removed out of the County, to the said Public Goal,

Goal, in less than Twenty Days after such remanding: To the End, that in that Time, Bail may be procured and given in the County. *A. D. 1705.*

III. *PROVIDED always*, That nothing herein contained, shall be construed so as to exclude or hinder any Person from being admitted to Bail, after his or her Removal into the said Public Goal, in such Case as by Law he or she may beailable. *And after Removal may be bail'd.*

IV. *AND be it further Enacted*, That if, upon the first Commitment of any Prisoner to the County Goal, he or she shall desire any Witnesses on his or her Behalf to be examined at the said County Court, then the Sheriff, upon his or her Request, is hereby required to summons such Witnesses to appear at the said Court accordingly. And if, after being remanded to Goal, as aforesaid, the Prisoner shall desire any Witnesses to appear at the Trial, in the General Court, then the Clerk of the said General Court, at his or her Request, or at the Request of any other Person, in his or her Behalf, shall issue Subpœnas, for the summoning such Witnesses to appear accordingly. *Sheriff, or Clerk of the General Court shall summon the Prisoners Witnesses, if required.*

V. *AND be it further Enacted*, That in the Time of the General Court, it shall be lawful for the Keeper of the Public Goal, being thereto impowered by Order of the said Court, to impress such and so many Persons as shall be necessary for the Guarding and safe Keeping of all such Prisoners as shall be and remain committed to his Custody. *Keeper of the Public Goal may impress Guards, &c.*

VI. *AND be it further Enacted*, That the Fees due to the Sheriff, for such Removal of any Prisoner, as aforesaid, from the County Goal to the Public Goal, shall be after the Rate of One Hundred Pounds of Tobacco, for every Twenty Miles Distance. And the Fees to the said Sheriff and Keeper of the Public Goal, for Keeping and Dieting any Prisoner in their Goal, shall be Five Pounds of Tobacco for each Day, and no more. *Sheriff's Fee for removing Prisoners, 100lb. Tob. for every 20 Miles Distance and for keeping in Prison, 5lb. Tob. per Diem.*

VII. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made. *All former Laws relating to any Matter within this Act, repeal'd.*

C H A P. XXXIX.

An Act for Making, Clearing, and Repairing the Highways; and for Clearing the Rivers and Creeks.

I. **F**OR the more convenient Travelling and Carriage, by Land, of Tobacco, Merchandises, or other Things within this Dominion,

II. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That where the same is not already done, Public Roads shall be laid out by the Surveyors of the Highways, in their several Precincts, in such Places as shall be most convenient for passing to and from the City of Williamsburg, the Court House of every County, the Parish Churches, and such Public Roads shall be laid out 30 Foot broad, well clear'd and grubb'd, to and from the City of Williamsburg, the

A. L. 1705.

County Court
houses, Churches,
Mills, &
Ferries.

Persons felling
Trees, &
not removing
the same in
48 Hours, or
making Fences
in a Road,
forfeit 10 s.
recoverable
before a Justice
of Peace.

County
Courts may
order the Alteration
of old, or making new
Roads.

All Male
Tithables
shall attend
the Surveyor
in clearing the
Highways.

Penalty, on
Refusal, 5 s.
per Tithable,
except reasonable
Cause of Failure be
shewn.

Surveyors of
Highways,
failing in their
Duty, forfeit
15 s. current
Money.

Surveyors
shall make &
keep in Repair,
Bridges 10 Foot
broad; but where
the Surveyor cannot
make a Bridge, the
County Court shall
cause it to be erected
and kept at the County
Charge; and where it
joins upon 2 Counties,
both shall equally
contribute.

Public Mills and Ferries as now are, or hereafter shall be erected, and from one County to another; and that the Highways already laid out, together with such as shall hereafter be laid out, by Virtue of this Act, shall, at all Times hereafter, be kept well cleared from Woods and Bushes, and the Roots well grubbed up, at least Thirty Foot broad: And if any Person shall, at any Time hereafter, fall any Tree or Trees into such Highway, and shall not cut the same away again, within the Space of Forty Eight Hours after such falling; or shall make any Fence into the Highway, the Person so offending, shall forfeit and pay, for every such Offence, the Sum of Ten Shillings current Money, to the Informer: To be recovered, with Costs, upon Information made to a Justice of the Peace of the County where the Offence is committed.

III. *PROVIDED nevertheless, and it is the true Intent and Meaning of this Act*, That it shall be in the Power of any County Court, by their Order, to direct the Alteration of the Public Road, or the Making of new Roads, in such Places as to them shall seem convenient. And for Assistance to lay out and clear the Highways as aforesaid,

IV. *BE it Enacted*, That all Male labouring Persons that are tithable, shall, when thereunto required by the Surveyors of the Highways, assist the said Surveyors in laying out and clearing the Highways: And if any Male labouring free tithable Person, being so required, shall fail to go and assist therein; or if the Master or Owner of any labouring tithable Person or Persons being required to send such tithable Person or Persons to assist as aforesaid, shall fail to send accordingly, such free Person shall, for such Failure, forfeit and pay Five Shillings current Money: And such Master or Owner, for every such tithable Person as he fails to send, shall forfeit and pay Five Shillings like Money, to the Informer: To be recovered, with Costs, as aforesaid.

V. *PROVIDED nevertheless, and it is hereby Enacted*, That any Justice of the Peace, to whom any Information shall be made, of any such Failure, shall have Liberty, upon hearing the Cause of the Failure, to give Judgment for the Defendant, in Case such Cause appear to him to be reasonable: Which Judgment shall be sufficient to acquit him from the Forfeiture aforesaid.

VI. *AND*, if any Surveyor of the Highways, shall fail to perform his Duty, as the same is or shall be directed in this Act, such Surveyor shall forfeit and pay Fifteen Shillings current Money, to the Informer: To be recovered, with Costs, as aforesaid.

VII. *AND be it further Enacted*, That every Surveyor of the Highways, shall have Power, and be obliged, with the Assistance aforesaid, to make Bridges in all necessary Places, within their respective Precincts, which shall be at least Ten Foot broad, and level and passable; and also shall, from Time to Time, keep the same in good Repair. And if it shall so happen, that there be Occasion for a Bridge over any Place, where the Surveyors, with the Assistance aforesaid, cannot make it, then the County Court shall have Power, and be obliged, to covenant with some skilful Workman for the Making thereof: And also, they are hereby impowered to lay a County Levy upon the Poll, to pay for the same. And if such a Bridge shall be wanting over any Place, which lies between Two or more Counties, then the Court of each County shall join in the Agreement; and shall have Power to lay a County Levy, for the Paiment thereof, proportionable to the
Number

Number of Tithables in each County: And every Person, having a Plantation, is hereby directed and required to make a convenient Passage for Man and Horse to go to his Dwelling House, and from Time to Time to keep it in Repair; upon Pain of forfeiting and paying to the Informer, for his Neglect in making such Passage, Ten Shillings current Money; and also Ten Shillings for every Six Months such Passage shall not be made, or being made, shall continue unrepaired: To be recovered, with Costs, as aforesaid.

A. D. 1705.

Every House keeper shall clear and keep a Passage to his Mansion, on Penalty of 10s. &c.

VIII. AND, for the greater Conveniency of such Persons as inhabit upon Plantations far distant from Rivers and Creeks,

IX. *BE it Enacted*, That all such Landing Places, as have Store-houses, commonly called Rolling-houses, built at or near them, or have heretofore been commonly used for bringing Tobaccos unto, and to which there are plain Roads already made, shall be held and accounted Public Landings: And the Roads to such Landings, or any other Public Landings hereafter to be appointed by the County Courts, shall be kept in Repair, sufficient for Carts to pass to and from the same.

All Places having Rolling Houses, shall be accounted public Landings, and have Cart Roads.

X. *AND be it further Enacted*, That at some Court, between the last Day of *April*, and First Day of *August*, Yearly, the Court shall appoint Surveyors of the Highways; and also, such Persons, as to them shall seem most proper, to clear the Rivers and Creeks, within their respective Precincts, from all Trees, Roots, or other Things, which may be dangerous to any Boat, Sloop, or other Vessel, passing up or down the same. And if any Court shall fail to perform their Duty herein, such Court shall forfeit and pay Two Thousand Pounds of Tobacco, to him or them that will inform, or sue for the same: To be recovered, with Costs. And if any Person, so appointed to clear the Rivers and Creeks, shall fail to perform his Duty herein, sometime in the Months of *March* and *October*, Yearly, he shall forfeit and pay the Sum of Fifteen Shillings current Money, to the Informer: To be recovered, with Costs, before a Justice of the Peace. And if any Person shall fall any Tree, into any River or Creek, and not immediately clear the same away again, he shall forfeit and pay, for the First Offence, Ten Shillings current Money; and for every such Offence after the First, Fifteen Shillings, of like Money, to the Informer: To be recovered, with Costs, before a Justice of the Peace.

County Courts shall Annually appoint Surveyors of Highways, & Persons to clear Rivers and Creeks, on Penalty of 2000 lb. Tob.

Persons appointed to clear Rivers & Creeks, failing to perform their Duty in *March* & *October*, Annually, forfeit 15s.

Falling Trees into a River, &c. & not removing immediately, 10s. for the 1st Offence, & 15s. thereafter.

Persons setting a Weir in a River or Creek, & not pulling up the Stakes, forfeit 15s.

XI. *AND be it further Enacted*, That if any Person shall set, or cause to be set, a Weir, in any River or Creek, such Person shall cause the Stakes thereof to be taken up again, as soon as the Weir becomes useless: And if any Person shall fail of performing his Duty herein, he shall forfeit and pay Fifteen Shillings current Money, to the Informer: To be recovered, with Costs, before a Justice of the Peace.

All former Laws relating to Roads, &c. repealed.

XII. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to Clearing, Making, and Repairing the Highways, and for Clearing the Rivers and Creeks, or any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

A. D. 1709.

C H A P. XL.

An Act for Regulating Ordinaries, and Restraint of Tippling Houses.

I. FOR Regulating the Abuses of Ordinaries, and other Houses of Entertainment, and Restraint of Tippling Houses,

Retailers of Liquors shall sell by seal'd Measures, and Ordinary-keepers shall provide themselves with Gallon, Pottle, Quart, Pint, & Half Pint Measures, on Penalty of 10s.

II. BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That all Persons whatsoever, retailing Liquors, shall sell the same by sealed Measures, and none other; and that all licensed Ordinary-keepers, or Keepers of Houses for public Entertainment, be provided therewith, viz. with Gallon, Pottle, Quart, Pint, and Half-Pint sealed Measures; on Penalty of forfeiting and paying, to the Informer, Ten Shillings current Money, with Costs: To be levied by Distress, by Virtue of a Warrant from a Justice of the Peace of the County where the Offence shall be committed.

But bottled Liquors may be sold for so much as the Bottles contain.

III. PROVIDED always, That all Person or Persons whatsoever, who shall retail Liquors in any public House or Houses, shall have Liberty to sell any Liquors in Bottles, the said Bottles being sold for no more than they hold or contain.

Persons retailing Liquors without License, forfeit 2000 lb. Tobacco.

County Courts may grant Licenses to Persons of Ability sufficient to provide Entertainment for Travellers; but not to indigent People, under Pretence of keeping such from being chargeable to the Parish; & shall take Bond & Security in 10000 lb. Tobacco.

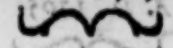
IV. AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted, That whosoever shall retail Liquors in their Houses, without License first had and obtained, according to the Directions of this Act, shall forfeit and pay Two Thousand Pounds of Tobacco: And that the Method of obtaining such License, be as followeth: Whoso intends to set up an Ordinary, or House of public Entertainment, let him petition the County Court, and they, by their Discretion, shall judge whether it is convenient to suffer such a House to be set up; and whether the Person petitioning, be of Ability sufficient to comply with the Intent of the Law, in providing convenient Lodging and Diet for Travellers, and Pasturage, Fodder, Provender, and Stableage for their Horses, as the Season shall require, and upon Security also, as therein is directed, to grant or reject the same accordingly: For the said Court shall not, under Pretence of keeping any poor Body from the Parish Charge, give them any Power of selling Drink, as hath been some Times done, and is found very prejudicial; but shall only grant License to such as seem to them to be of Ability to find and provide continually, all Things necessary for Entertainment, and have Housing fitting for the same, according to the Intent of this Act. And the said Petition being approved, the Court shall then take Bond of the Party petitioning, with good and sufficient Security, in the Sum of Ten Thousand Pounds of Tobacco, payable to the Queen, &c. with Condition annexed, to find and provide constantly, good, wholesome, and cleanly Lodging and Diet for Travellers, and Stableage, Fodder and Provender, or Pasturage, as the Season shall require, for their Horses; with such other Conditions, as the Form of the Bond, set down in this Act, shall specify.

Form and Condition of the Bond.

K NOW all Men by these Presents, That We A. B. and C. D. are held and firmly bound unto our Sovereign Lady Anne, by the Grace of God, of England, Scotland, France, and Ireland, Queen, Defender of the Faith, &c. in the Sum of Ten Thousand Pounds of Tobacco

Tobacco, convenient in the said County of E. To which Paiment well and truly to be made to our said Sovereign Lady the Queen, her Heirs and Successors, we bind our selves, and every of us, our and every of our Heirs, Executors, and Administrators, jointly and severally, firmly by these Presents. In Witness whereof, we have hereunto set our Hands and Seals, the

A. D. 1705.



Day of

THE Condition of this Obligation is such, That whereas the above bound A. B. hath obtained a License to keep an Ordinary at if therefore the said A. B. doth constantly find and provide in his said Ordinary, good, wholesome, and cleanly Lodging and Diet for Travellers, and Stableage, Fodder and Provender, or Pasturage and Provender, as the Season shall require, for their Horses, for and during the Term of One Year, from the Day of and shall not suffer or permit any unlawful Gaming in his House; nor on the Sabbath Day suffer any Person to tittle and drink more than is necessary; then this Obligation to be null, void, and of none Effect; otherwise to be and remain in full Force, Power, and Virtue.

The Bond and Security being thus taken, the Court may grant their Order; and the Clerk shall thereupon prepare a License, and present it to the First Justice of the Peace for that County, who shall sign the same; and that License to continue and be of Force for One Year only, from the Date of the said Order, and no longer.

Licenses shall be sign'd by the 1st Justice in Commission, and continue in Force 1 Year.

V. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted, That there be paid, by the Party obtaining such License, Thirty Five Shillings current Money of Virginia, for the Use of the Governor, or Commander in Chief of this Her Majesty's Colony and Dominion, for the Time being.*

Governor's Fee, 35s

VI. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Ordinary-Keeper shall permit in his House unlawful Gaming; or shall suffer any Person or Persons, on the Lord's Day, or any other Day set a-part by public Authority for religious Worship, to tittle in his House, or drink more than is necessary; or shall harbour, or entertain any Seamen or Servants, contrary to the Intent and Meaning of this Act, it shall and may be lawful for any Two Justices of the Peace, (whereof One to be of the Quorum,) upon their own View or Knowledge, or upon Proof made to them, by the Oath of One credible Witness, to suppress the said Ordinary until the next succeeding Court: And upon Certificate made by the said Two Justices, of the said Offence, and further Inquiry into the same, the said County Court shall either disable the Offender from keeping Ordinary thereafter, until they shall think fit to grant him a new License, or to restore him to keep Ordinary upon the former License, as they shall see Cause: And if any Ordinary-Keeper shall presume to sell, or retail any Liquor, after he hath been so discharged by the aforesaid Two Justices, and before he be restored by the Court, he shall be liable to all the Penalties and Forfeitures, as if he had never obtained a License.*

Ordinary-Keeper permitting unlawful Gaming, Tippling, on Sundays, &c. or harboring Sailors or Servants, 2 Justices, (Quorum unus,) upon their own View, or the Oath of 1 Witness, may suppress such Ordinary till the next Court: And Persons so discharged, retailing Liquors before such Court held, liable to the Penalty imposed by this Act, for selling Liquors without License.

VII. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Justices of each County, shall, Annually, at their Court in March, set and rate the Prices that Ordinaries shall entertain and sell at; that is, of Liquors, according to the Measures afore-mentioned; and of Diet, Lodging, Fodder, Provender, and Pasturage; upon Penalty of forfeiting and paying Five Thousand Pounds of Tobacco.*

County Courts shall, Annually, in March, set the Rates of Liquors, &c. on Penalty of 5000 lb. Tob.

A. D. 1705.

But if no Court be held in March, then at the next Court.

VIII. *PROVIDED always*, That if any County Court failing to set the Rates aforesaid, in *March*, because a sufficient Number of Justices did not meet then, shall, at the next Court held for the said County, do the same, they shall not be culpable by this Law.

Ordinary-Keepers exacting greater Prices than allowed by the Rates so set, forfeit 10 s.

IX. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Ordinary-Keeper shall ask, demand, receive, or take, greater Prices for any Drink, Diet, Lodging, Fodder, Provender, or Pasturage, than shall be set down and rated by the Justices of the County, according to this Act, he or she shall, for every such Offence, forfeit and pay Ten Shillings, to the Informer: To be recovered, with Costs, before a Justice.

And shall set up and keep in the public Room of their Ordinaries, a Table of the Rates, on Penalty of 2000 lb Tobacco.

X. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That every Ordinary-Keeper within this Her Majesty's Colony and Dominion, shall, within One Month after the Rates shall be so set by the County Court where the License was granted, obtain of the Clerk of the said Court, a fair Table of the Rates and Prices set by the Court; which being so obtained, shall be openly set up in the common entertaining Room of the said Ordinary, and there continually kept during the whole Year, and until the Rates shall be again set by the Court: And every Ordinary-Keeper failing herein, shall forfeit and pay Two Thousand Pounds of Tobacco; One Half of all which Fines and Forfeitures before-mentioned, and not otherwise disposed of, to be to the Queen, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to him or them that will inform or sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

Persons convicted of keeping a Tippling House, or retailing Liquors without License, fail to pay the Fine, or give Security, shall receive 21 Lashes, & the Informer shall not be chargeable with any Fees accruing upon such Information.

XI. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Person, contrary to the true Intent and Meaning of this Act, shall presume to keep a Tippling House, or retail Liquors, as aforesaid, without License, and being thereof lawfully convicted, shall not pay down the said Fine of Two Thousand Pounds of Tobacco, or forthwith, upon such Conviction, give Security to pay the same at the Crop, he or she so offending, shall immediately, by Order of the Court before whom such Conviction shall be, receive at the Public Whipping-Post, on his or her bare Back, Twenty One Lashes, well laid on, in Lieu of paying the said Fine of Two Thousand Pounds of Tobacco; and then also, the Informer not to be chargeable with any Fees accrued, by Reason of such Information.

XII. *AND forasmuch as the unlimited Credit given by Ordinaries and Tippling Houses, within this Her Majesty's Colony and Dominion, to Seamen and others, where they spend not only their ready Money, but their Wages and other Goods, which should be for the Support of themselves and Families, is found prejudicial, and occasions many Persons newly Free, to run away to the neighbouring Plantations, to the great Disadvantage of this Country:*

Ordinary-Keeper selling Liquors upon Credit, to a Sailor in Ship's Pay, shall not recover the Money; and more than

XIII. *BE it therefore Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Ordinary-Keeper or Master of a Tippling House shall, after Publication of this Act, trust or sell Drink to any Sailor in actual Pay on board any Ship, for any Value whatsoever, upon Credit; or to any Person or Persons, who are not Masters of Two Servants, or visibly worth Fifty Pounds *Sterling* at least, more than the Value of Three Hundred Pounds

Pounds of Tobacco, such Ordinary-Keeper, or Master of a Tippling House, shall lose all such Overplus Tobacco and Money, for which they shall give such Credit: And in case any Ordinary-Keeper, or other Master of a Tippling House, shall take or get from any Person trusted, as aforesaid, any Obligation, Bill, or other Security, for any Sum above Three Hundred Pounds of Tobacco spent in One Year, under Pretence that it is for other Goods, the said Ordinary-Keeper shall forfeit his License; and also double the Sum of such Obligation so covenantously taken: One Half to Her Majesty, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; the other Half to him or them that shall inform or sue for the same, in any Court of Record in this Her Majesty's Colony and Dominion: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

A. D. 1705.
300 lb. Tob.
to Persons not
visibly worth
50 l. shall be
lost; and the
Ordinary-
Keeper, shall
forfeit double
the Sum of
any Specialty
by him taken
of such Per-
sons, for more
than 300 lb.
Tob. spent in
1 Year.

XIV. *AND also be it further Enacted, by the Authority aforesaid,* That if any Ordinary-Keeper whatsoever within this Colony, shall harbour, entertain, or sell any Liquors to any Sailor in actual Pay, on board any Ship, or any Servant belonging to any Person within this Colony, without License from their respective Masters, such Ordinary-Keeper shall, for every such Offence, forfeit and pay Ten Shillings to the Master of the Ship the Sailor belongs to, or Master of such Servant: To be recovered, with Costs, upon Complaint of the said Master before a Justice of the County where the said Ordinary-Keeper lives.

Selling Li-
quors to Sail-
ors or Ser-
vants, without
their Master's
License, for-
feit 10 s.

XV. *PROVIDED,* That this Act, or any Thing therein contained, shall not extend to the Ordinary-Keepers of the City of *Williamsburg*, giving Credit to any Person whatsoever, in the Time of the General Court, or during the Sitting of a General Assembly; any thing aforesaid to the contrary, notwithstanding.

Ordinary-
Keepers in
Williamsburg,
not restrain'd
by this Act,
from giving
Credit, during
the General
Courts or As-
semblies.

XVI. *AND be it further Enacted,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to Regulating Ordinaries, and Restraint of Tippling Houses; or to any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

All former
Laws relating
to Ordinaries,
&c. repeal'd.

C H A P. XLI.

An Act for Encouragement of building Water-Mills.

I. **F**OR Encouragement of Persons to build Water-Mills, *Be it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That if any Person or Persons, willing to build any Water-Mill, on some convenient Run, hath Land only on one Side of the Run, and the Owner of the Land on the other Side shall refuse to let him have an Acre of Land adjoining, at a reasonable Rate, for the Conveniency of the same, the Court of the County wherein such Land shall lie, upon Petition of the Party so refused, are hereby impowered and required to order Two Commissioners, or such other credible Persons as they shall think fit, to view the said Land; and if it take not away Housing, Orchards, or other immediate Conveniences, to value the same,

Persons in-
tending to
build a Water-
Mill, and ha-
ving Land on
one Side of a
Run, if the
Owner of
Land on the
other Side, re-
fuses to sell
an Acre ad-
joining, may
petition the
County Court,
who may or-
der such Acre
to be valued,
and put the Pe-
titioner in Pos-
session, which
shall create a
Fee Simple to
him and his
Heirs: But

A. D. 1705.
shall not take
away Houses,
Orchards, &c.

same, and put the Party (who desires to build the Mill) in Possession thereof; which Way of Possession, in such Case, shall be good and available to create a Fee Simple in the said Acre of Land, to the Person so going about to build the Mill, and his Heirs.

Proviso, The
Valuation Mo-
ney shall be
paid down, &
the Purchaser
shall, in 1 Year
begin, & in
3 Years finish
such Mill, &
keep it in Use,
otherwise the
Land shall re-
vert to the for-
mer Proprie-
tor, &c.

II. *PROVIDED* always, That the Person so being put in Possession, forthwith pay down the Money to the Owner thereof, upon such Valuation.

Owners of
Mills burn'd,
&c. being un-
der Age, Fe-
me-Covert,
Non Compos
Mentis, or Im-
prisoned, shall
have 3 Years
to rebuild af-
ter Incapacity
removed.

Where a
Mill shall be
standing on a
Run, no other
shall be built
on the same
Run, without
Order of
Court.

III. *AND provided also*, That the said Person so being put in Possession, shall, within One Year, begin to build a Water-Mill, and finish the same within Three Years; and shall thereafter keep up the same, for the Use and Ease of all such as shall be Customers to it; otherwise the said Land shall return to the Person from whom it was taken, or to such other Persons as shall have his Right.

IV. *PROVIDED* always, That if any Water-Mill belonging to any Person within the Age of Twenty One Years; Feme-Covert, *Non Compos Mentis*, or Imprisoned, be let fall, burnt, or destroyed; that then such Person or Persons, and their Heir and Heirs, shall have Three Years to rebuild and repair such Mill, after his or their full Age, Discoveriture, coming of sound Mind, Enlargement out of Prison, or Death.

V. *AND* also for a further Encouragement, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That when there shall be a public Mill standing upon any Run, there shall not be another Mill or Dam built upon the same Run below such Mill, within a Mile thereof; nor upon the same Run above such Mill; without the particular Leave of the General Court, or County Court, in which such Mill is intended to be set.

VI. *PROVIDED*, That this Act, nor any thing therein contained, shall not be construed to prohibit the carrying on and finishing any Mill now begun upon any Run where another Mill is standing; but that the same may be done, in such Manner as it might have been before this Act.

Owners of
Mills injured,
&c. may sue
for Damages.

VII. *PROVIDED also*, That where any Owner or Owners of a Mill already built, or that shall hereafter be built on any Run, shall conceive himself injured by the building of a Water-Mill, by any Person or Persons on the same Run, it shall and may be lawful for the Party injured, to bring his Action on the Case, against the Owner or Owners of such latter built Mill, in the same Manner as he might have done before the making of this Act; any thing herein contained to the contrary, or seeming to the contrary, in any-wise, notwithstanding.

Duty of
Millers.

Toll, $\frac{1}{4}$ for
Wheat, & $\frac{1}{2}$
for Indian
Corn.

Miller fail-
ing in his Du-
ty, or taking
more Toll,
forfeits 15 s.

VIII. *AND*, for Prevention of Abuses, by evil-minded, covetous, and exacting Millers, or Owners of Mills, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all Millers shall grind according to Turn; and shall well and sufficiently grind the Grain brought to their Mills; and shall take no more for Toll or Grinding, than One Eighth Part of Wheat, and One Sixth Part of *Indian* Corn. And every Miller, or Keeper of a Mill, making Default herein, *viz.* Not Grinding according to Turn, not well and sufficiently Grinding the Grain, or exacting more for Toll, than herein is set down and allowed, shall, for every such Offence, forfeit and pay Fifteen Shillings, to the Party injured: To be recovered, with Costs, before a Justice of Peace of the County where such Offence is committed.

IX. *P R O-*

IX. *PROVIDED* always, That it shall be in the Power of the Owner of any Mill, to grind, or cause to be grinded, his own Grain, at any Time he thinks fit; any thing in this Act to the contrary, notwithstanding.

X. *AND*, for the better Discovery of such exacting Millers, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all Millers shall keep in their Mills these several Measures, either of *English* sealed Measures, or sealed by the Court of the County wherein such Mill shall be, *viz.* a Bushel, Half-Bushel, and Peck; and shall measure all by Strike Measure; and use no Toll-Dish but what shall be also sealed by the County Court, (who are hereby impowered and required, at the County Charge, to provide an Iron Brand, for the said Uses.) And every Owner of a Mill, by himself or Servant keeping such Mill, and failing to provide such Measures, and Toll-Dishes, shall, for such Failure, forfeit and pay Fifteen Shillings, to the Informer: To be recovered, with Costs, before a Justice of Peace of the County where such Failure shall happen. And if any Miller, keeping a Mill, shall be a Servant or Slave, then the Master or Owner shall be answerable for the Defaults of such Servant or Slave, in the Cases aforesaid: And where the Master shall live out of the County, and have no known Attorney in the County for that Purpose, upon Complaint made, for any of the Abuses aforesaid, the Appearance of such Servant or Slave before the Justice, shall be deemed a sufficient Appearance for the Justice to proceed against the Master or Owner, as if the Master or Owner appeared in Person; but if the Owner shall live in the County, or have a known Attorney in the County, for that Purpose, then the Appearance of them shall be required.

XI. *PROVIDED nevertheless*, That where a Mill is kept by a Slave, or imported Servant, that shall refuse to grind according to Turn; or that shall grind Grain insufficiently; or that shall exact more for Toll, than is allowed by this Act, such Servant or Slave, for his First Offence, shall have Thirty Lashes, and for his Second, Forty Lashes, on his bare Back, well laid on, in Lieu of the Penalty or Forfeiture given by this Act: But in Case such Servant or Slave be a Third Time guilty of any the said Offences, then the Master or Owner of such Servant or Slave shall be liable to pay for the same, according to this Act, and for every Offence such Servant or Slave shall afterwards commit, in Breach of this Act.

XII. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof, as relates to Water-Mills; or any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XLII.

An Act for establishing Ports and Towns. R E P.

C H A P.

A. D. 1705.

Owners of Mills may grind their own Grain at any Time. Shall keep sealed Bushel Half Bushel and Peck Measures, & a Toll Dish seal'd, on Penalty of 15s. and shall use Strike Measure.

Imported Servants or Slaves being Millers, and failing in their Duty, 1st Offence 30 Lashes. 2d Offence 40 Lashes. On the 3d Offence, the Owner liable for the Penalties.

All former Laws relating to Water-Mills, &c. repeal'd.

Repeal'd by Proclamation, July 3, 1710.

A.D. 1703.

C H A P. XLIII.

An Act Continuing the Act directing the building the Capitol, and the City of Williamsburg; with Additions.

Preamble

I. **W**HEREAS, by an Act made at a General Assembly, begun at James City, the Twenty Seventh Day of April, and in the Eleventh Year of His late Majesty's Reign, intituled, *An Act directing the building the Capitol, and the City of Williamsburg*, it is Enacted, that Whereas the State-House, where the General Assemblies and General Courts for this His Majesty's Colony and Dominion of Virginia, were kept and held, hath been unhappily burnt down; and it being of absolute Necessity that another Building be erected, with all the Expedition possible, for the convenient sitting and holding of the General Assemblies and Courts, at a healthy, proper, and commodious Place, suitable for the Reception of a considerable Number and Concourse of People, that of Necessity must resort to the Place where the General Assemblies will be convened, and where the Council and supreme Court of Justice for this His Majesty's Colony and Dominion will be held and kept:

AND forasmuch as the Place commonly called and known by the Name of the *Middle Plantation*, hath been found, by constant Experience, to be healthy, and agreeable to the Constitutions of the Inhabitants of this His Majesty's Colony and Dominion, having the Natural Advantage of a serene and temperate Air, dry and champaign Land, and plentifully stored with wholesome Springs, and the Conveniency of Two Navigable and Pleasant Creeks, that run out of James and York Rivers, necessary for the supplying the Place with Provisions and other Things of Necessity,

475 Foot
Square appropriated for a
Building.

Named The
CAPITOL.

200 Foot
round the
same, not to
be built upon,
or occupied.

II. *BE it therefore Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and the Authority thereof, and it is hereby Enacted*, That Four Hundred Seventy Five Foot square of Land, lying and being at the said *Middle Plantation*, which hath been already agreed upon by his Excellency the Governor, Council, and Burgesses, of this present General Assembly, to be taken up and surveyed, as a convenient Place for such Uses, be the Ground appropriated to the only and sole Use of a Building for the General Assemblies and Courts to be held and kept in: And that the said Building shall for ever hereafter be called and known by the Name of The **CAPITOL** of this His Majesty's Colony and Dominion of Virginia; and that the Space of Two Hundred Foot of Ground, every Way from the said Capitol, shall not be built upon, planted, or occupied, for ever, but shall be wholly and solely appropriated and kept for the said Use, and to no other Use or Purpose whatsoever.

The Form
and Dimen-
sions of the
Building.

III. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the said Capitol shall be erected and built in Manner and Form according to the Rules and Dimensions following; *viz.* That the said Building shall be made in this Form and Figure H; that the Foundation of the Building shall be Four Bricks thick, up to or near the Surface of the Ground; and that the Walls of the said Building, from thence, shall be Three Bricks and a Half thick, to the Water Table; and from the Water Table, to the Top of the First Story, Three Bricks thick; and from thence to the Top of the Second Story, Two Bricks and a Half thick; the
Length

Length of each Side or Part of which Building shall be Seventy Five Foot, from Inside to Inside; the Breadth thereof, Twenty Five Foot, from Inside to Inside; and the First Story of each Part or Side, shall be Fifteen Foot Pitch, One End of each Side or Part of which shall be Semi-circular, and the lower Rooms at the said End, Fifty Foot long, and shall be parted by a Wall, from the rest of the Building, on each Side or Part; which other Part shall be divided into Four Divisions, whereof One to be for a large and handsome Staircase: That the middle of the Front, on each Side of the said Building, shall have a Circular Porch, with an Iron Balcony upon the First Floor over it, and great folding Gates to each Porch, of Six Foot Breadth both; and that Four Galleries shall be in the Room below, that shall be called the General Court-House; the Upper Story of each Side to be Ten Foot Pitch, and be divided as shall be directed by the Committee appointed to revise the Laws: That the Two Parts of the Building shall be joined by a cross Gallery of Thirty Foot long, and Fifteen Foot wide each Way, according to the Figure herein before specified, raised upon Piazzas, and built as high as the other Parts of the Building; and in the Middle thereof, a Cupola to surmount the rest of the Building, which shall have a Clock placed in it; and on the Top of the said Cupola shall be put a Flag upon Occasion: That the Windows to each Story of the Building, shall be Sash Windows; and that the Roof, shall be a Hip Roof, with Dormant Windows; and shall be well shingled with Ciprus Shingles; and that the great Room below, of each Building, shall be laid with Flag Stones: One Part or Side of which Building, shall be, and is hereby appropriated to the Use of the General Court, and Council, for the holding and keeping of the said General Court, and Council therein, and the several Offices thereto belonging; and the other Part or Side of the said Building, shall be and is hereby appropriated to the Use of the House of Burgesses, and the Officers thereof, and to no other Use or Uses whatsoever.

A.D. 1705.

One Part appropriated to the Use of the General Court and Council,

The other to the Use of the House of Burgesses.

IV. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the Committee appointed for the Revival of the Laws, are hereby impowered and required, from Time to Time, to inspect and oversee the said Building, until it shall be finished; and to covenant and agree with such and so many Undertakers or Overseers of the said Building, as they shall think fit, and to give such necessary Orders and Directions therein, from Time to Time, as they shall see Cause, for the Carrying on, Furtherance, and Finishing of the said Work, according to the aforesaid Rules and Dimensions; and that the said Committee be likewise impowered, by Virtue of this Act, on the Public Account and Risque, to send for, out of *England*, Iron Work, Glasse, Paint, Stone, and all other Materials, as they shall think necessary, for and towards the Carrying on and Finishing the said Building.

A Committee appointed to inspect the Building, and to contract with Undertakers.

And to send for Materials from *England*.

V. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the said Committee, as often as they shall have Occasion for Money for the Uses aforesaid, shall, from Time to Time, apply themselves to the Governor, or Commander in Chief, for the Time being, to issue out his Warrant to the Treasurer of this His Majesty's Colony and Dominion, requiring him to pay so much Money as they shall have Occasion for, not exceeding the Sum of Two Thousand Pounds *Sterling*; who is hereby impowered and required to deliver and pay the same to the said Committee, upon such Warrant: Which said Sum or Sums, the said Committee shall account for to the next Meeting of the Assembly, and also make Report of their Proceedings in the building of the said Capitol.

And to receive of the Treasurer, 2000 l. *Sterl*.

And to account & make Report to the next Session.

C c

VI. AND

A. D. 1705.

The Necessi-
ty of a Town,
near the Ca-
pitol.

And its Con-
veniency to
the College of
William and
Mary.

VI. AND forasmuch as the General Assemblies, and General Courts, of this His Majesty's Colony and Dominion, cannot possibly be held and kept at the said Capitol, unless a good Town be built and settled adjacent to the said Capitol, suitable for the Accommodation and Entertainment of a considerable Number of Persons, that of Necessity must resort thither: And whereas, in all Probability, it will prove highly advantageous and beneficial to His Majesty's Roial College of *William and Mary*, to have the Conveniencies of a Town near the same,

483 Acres of
Land appro-
priated for a
City.

VII. BE it therefore Enacted, by the Authority aforesaid, and it is hereby Enacted, That Two Hundred Eighty Three Acres, Thirty Five Poles and a Half of Land, situate, lying, and being at the *Middle Plantation*, in *James-City* and *York* Counties, bounded according to a Draught, Plot, or Survey made, by the Order of the Governor, Council, and Burgeses, of this present General Assembly, and now lying in the Assembly-Office of this His Majesty's Colony and Dominion, shall be and is hereby reserved and appropriated for the only and sole Use of a City to be there built and erected, and to no other Use, Intent, or Purpose whatsoever.

420 Acres
set a-part for
Buildings.

The City to
be called *Wil-*
liamsburg.

Queen's
Road.

Queen Ma-
ry's Port.

Princess
Road.

Princess Anne
Port.

VIII. AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That Two Hundred and Twenty Acres of the said Land, according to the Bounds of the aforesaid Draught or Plot, shall be and is hereby appointed and set apart for Ground, on which the said City shall be built and erected, according to the Form and Manner laid down in the said Draught or Plot; which said City, in Honour of our most gracious and glorious King *William*, shall be for ever hereafter called and known by the Name of The City of *Williamsburg*: And Fifteen Acres, Forty Four Poles and a Quarter, of Land, according to the aforesaid Draught or Plot, shall be and is hereby appointed and set a-part for a Road or Way from the said City, to the Creek, commonly called or known by the Name of *Queen's Creek*, running into *York* River: And Fourteen Acres, Seventy One Poles and a Quarter, of Land, according to the aforesaid Draught or Plot, lying on the said *Queen's Creek*, shall be and is hereby appointed and set a-part for a Port, or Landing Place, for the said City of *Williamsburg*, on the said Creek; which said Port or Landing Place, in Commemoration of the late *Queen Mary*, of blessed Memory, shall for ever hereafter be called and known by the Name of *Queen Mary's Port*; and the afore-mentioned Road or Way leading thereto, shall be called *Queen's Road*: And Ten Acres Forty Two Poles and a Half of Land, according to the aforesaid Draught or Plot, shall be and is hereby appointed and set a-part for a Road or Way from the said City of *Williamsburg*, to the Creek commonly called and known by the Name of *Archer's Hope* Creek, running into *James* River; which said Creek, shall for ever hereafter be called and known by the Name of *Princess* Creek: And Twenty Three Acres, Thirty Seven Poles and a Half, of Land, according to the aforesaid Draught or Plot, lying upon the said *Princess* Creek, shall be and is hereby appointed and set a-part for a Port or Landing Place, for the said City of *Williamsburg*, on the said Creek; which said Port or Landing Place, in Honour of her Roial Highness the Princess *Anne* of *Denmark*, shall be called and known by the Name of *Princess Anne* Port for ever hereafter; and the afore-mentioned Road or Way leading thereto, shall be called *Princess* Road.

The 220
Acres to be
laid out in
Lots of $\frac{1}{4}$ an
Acre each.

IX. AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Ground or Land, by Virtue of this Act, set a-part for the Use of the said City of *Williamsburg*, shall be laid out and proportioned into Half Acres; every of which Half Acre shall be a distinct Lot of Ground

Ground, to build upon, in Manner and Form as is hereafter expressed; (that is to say,) That whosoever shall build in the main Street of the said City of *Williamsburg*, as laid out in the aforesaid Draught or Plot, shall not build a House less than Ten Foot Pitch, and the Front of each House shall come within Six Foot of the Street, and not nearer; and that the Houses in the several Lots in the said main Street shall front alike; which said Street, in Honour of his Highness *William*, Duke of *Glocester*, shall for ever hereafter be called and known by the Name of *Duke of Glocester Street*: And that the other Streets and Lanes shall be built in such Manner, and according to such Rules and Orders as shall be given and made by the Directors, by Virtue of this Act, hereafter appointed, or by the Incorporation of the Mayor, Aldermen, and Commonalty of the City of *Williamsburg*.

A. D. 1705.

Every Lot to
be built upon.
Directions
for the Streets
and Buildings.

X. AND to the End, reasonable Satisfaction may be paid, allowed, and given, for all such Land and Ground, as by Virtue of this Act is taken up, and appropriated to the Uses aforesaid,

For Satisfaction to be made to the Proprietors of the Lands,

XI. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That his Excellency the Governor, or the Governor or Commander in Chief, for the Time being, is hereby impowered and desired to issue out his Warrants to the several Sheriffs of *James-City*, *Fork*, and *New-Kent* Counties, commanding them respectively to impanel Four of the most able and discreet Freeholders in each of their Bailiwicks, no Ways concerned in Interest in the said Land, or any Ways related to the Owners or Proprietors thereof, to meet at such Time, as he shall think fit; who shall be sworn by such Person or Persons as he shall appoint; and upon their Oaths, value and appraise the said Land or Ground, in so many several and distinct Parts and Parcels, as shall be owned and claimed therein, by several and distinct Owners, Proprietors, and Claimers thereof: And after such Valuation and Appraisement so made, the said Jury shall forthwith return the same, under their Hands and Seals, to the Secretary's Office of this His Majesty's Colony and Dominion: And after such Valuation and Return made as aforesaid, the Feoffees or Trustees, by Virtue of this Act, hereafter appointed, shall enter; and immediately, upon such Entry made, the said Feoffees or Trustees, and every of them, shall be vested with, and seized of and in, a pure, absolute, perfect, and indefeasible Estate of Inheritance in Fee, in Trust to and for the Intents, Uses, and Purposes hereafter mentioned; and shall be binding and effectual in Law, (without further or other Act or Acts) to all Intents and Purposes, against all and every the said Owners, Claimers, and Proprietors, (whether they be capable of consenting thereto, or disabled by Nonage, Coverture, Intail, or other Impediments,) and all and every their Heirs, Executors, Administrators, and Assigns, for ever, or any Claimer or Pretender thereto.

The Governor to issue Warrants to the Sheriffs to impanel a Jury of 12 Freeholders.

The Jury to value the Lands of the respective Proprietors.

And to return such Valuation to the Secretary's Office.

After such Valuation & Return, the Lands vested in Trustees, who shall enter, & thereupon stand seized of an Estate in Fee, in Trust.

Entry of the Trustees declared good in Law, against the Proprietors, &c. whether consenting, or disabled by Nonage, Coverture, &c.

Proviso, The Jury to have Regard to the respective Interests & Estates in the Lands.

Trustees appointed.

XII. *PROVIDED* always, and be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That the said Jury, in the said Valuation, shall have due Regard to the respective Interests and Estates in the same; and shall make a Valuation and Estimation thereof, accordingly.

XIII. *AND* be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That *Lewis Burwell*, *Philip Ludwell*, Junior, *Benjamin Harrison*, Junior, *James Whaley*, *Hugh Norwell*, and *Mongo Ingles*, Gentlemen, shall be and are hereby nominated and appointed Feoffees or Trustees of the Land appropriated to the Uses aforesaid: Which said Feoffees or Trustees, in Manner aforesaid, shall Have, Hold, and Enjoy, a good, pure, absolute, and indefeasible Estate in Fee, of and in the aforesaid Two

Hundred

A. D. 1705.

The Lands
vested in the
Trustees for
the Uses ex-
pressed in the
Act.

Sales to be
made by the
Trustees.

Proviso,
Purchasers to
build a good
House on each
Lot.

On Default
of building, as
by this Act
directed, all
Grants to be
void, and the
Lands re-in-
vested in the
Trustees, and
may be pur-
chased by any
other Person.

The Propri-
etors of the
Lands to be
paid by the
Public, at the
next Session
of Assembly,
according to
the Valuation
of the Jury.

The Trustees
to render to
the next As-
sembly an Ac-
count of the
Sales. To be
applied to the
reimbursing
the Public.

On Death, or
Removal out
of the Coun-
try, of any of
the Trustees,
the Governor
to appoint
Successors.

Hundred Eighty Three Acres, Thirty Five Poles and a Half of Land; in special Trust and Confidence, to and for the Uses hereafter mentioned, (that is to say) To the Uses, Intents and Purposes, that the said Feoffees and Trustees, or any Two or more of them, shall, out of Two Hundred and Twenty Acres of the said Land hereby appropriated for the Use of the said City of *Williamsburg*, convey and assure, in Fee, unto any Person requesting the same, and paying the said Feoffees or Trustees, the first Cost of the Purchase thereof, and Fifty *per Cent.* Advance, One or more Half Acre, or Half Acres, of the said Land or Ground, by such good and sufficient Deed, and Assurance, in the Law, unto such Person or Persons, their Heirs and Assigns, for ever, as by such Person or Persons, or their Council learned in the Law, shall be required.

XIV. PROVIDED always, and be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That if such Grantee, his Heirs or Assigns, shall not, within the Space of Twenty Four Months, next ensuing the Date of such Grant, begin to build, and finish, on each Half Acre or Lot so granted, One good Dwelling House, containing Twenty Foot in Width, and Thirty Foot in Length, at the least (if in the main Street, called *Duke of Gloucester Street*, of Ten Foot Pitch, and within Six Foot of the Street,) if in any other Place, according to the Rules and Directions that shall be given by the Directors hereafter appointed; that then such Grant and Conveyance, so made, shall be utterly void, and null in Law; and the Lands therein granted, liable to the Choice and Purchase of any other Person or Persons, and shall be immediately reinvested in the said Trustees or Feoffees, to the Uses aforesaid, in as full and ample Manner, as if the same had never been disposed of.

XV. AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Costs and Charges of the Purchase of the said Two Hundred Eighty Three Acres, Thirty Five Poles and a Half of Land, shall be paid and satisfied by the Public, at the next Session of Assembly, to the several and respective Proprietors and Owners thereof, according to the Valuation and Appraisement made, in Manner as is before expressed: And also; that the aforesaid Feoffees and Trustees shall render an Account of the Produce and Profits of the several Half Acres, or Lots of Land, by them sold, in Manner aforesaid, to the next General Assembly; which shall be then allowed and disposed of, for the Reimbursement of the Public, in the first Purchase of the said Land; and until the same be fully paid and reimbursed, and to no other Use, Intent, or Purpose whatsoever.

XVI. PROVIDED always, and be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That in case of the Death, Removal out of the Country, or into remote Parts, or other legal Disability, of one or more of the said Feoffees or Trustees, His Excellency the Governor, or the Governor or Commander in Chief, for the Time being, is hereby empowered and desired to nominate such and so many Feoffees or Trustees, as shall, from Time to Time, be under the Number of Six: Which said Feoffees or Trustees, so nominated and appointed, shall be immediately vested with equal Right and Title to the aforesaid Land and Ground, to the Uses aforesaid, as the Feoffees or Trustees appointed by Virtue of this Act, might or could have, or as if they were by this Act particularly nominated and appointed.

XVII. PROVIDED likewise, and be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Lots at the afore-mentioned

mentioned Ports or Landings shall be proportioned at the Discretion of the Directors hereafter mentioned: *Provided*, That each Lot shall not exceed Sixty Foot Square; which said Lots shall be disposed of in Manner aforesaid, and the Produce thereof to be accounted for, by the said Feoffees or Trustees, in Manner as is before expressed; any thing in this Act to the contrary, in anywise, notwithstanding.

A. J. 1705.
Lots at the Ports not to exceed 60 Foot Square. Trustees to account for the Produce.

XVIII. *PROVIDED also*, That a sufficient Quantity of Land at each Port or Landing Place shall be left in Common, at the Discretion of the Directors hereafter appointed.

Proviso, Common reserved at each Port.

XIX. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That it shall and may be lawful to and for His Excellency the Governor, and to and for His Majesty's Governor, or Commander in Chief of this His Majesty's Colony and Dominion, for the Time being, by Letters Patents, under the Seal of this His Majesty's Colony and Dominion, to incorporate all and every Person and Persons, who, from Time to Time, or at any Time hereafter, shall have an Interest, Freehold, or Habitation, in the said City, to be One Body Politic and Corporate, by the Name of the Mayor, Aldermen, and Commonalty of the City of *Williamsburg*; and by that Name, to have perpetual Succession, and a common Seal; and that they, and their Successors, by the Name aforesaid, shall be able and capable in Law, to Have, Purchase, Receive, Enjoy, Possess, and Retain to Them and their Successors for ever, any Lands, Rents, Tenements, and Hereditaments, of what Kind, Nature, or Quality soever; and also to Sell, Grant, Demise, Alien, or Dispose of the same: And by the same Name, to sue and implead, be sued and impleaded, answer, and be answered, in all Courts of Record, and any other Place whatsoever: And from Time to Time, under their common Seal, to make and establish such By-Laws, Rules and Ordinances, (not contrary to the Laws and Constitutions of *England*, and this His Majesty's Colony and Dominion) as shall by them be thought requisite and necessary for the good Ordering and Government of such Persons as shall, from Time to Time, reside within the Limits of the said City and Corporation, or shall be concerned in Interest therein; and by the Name aforesaid, to do and execute all and singular other Matters and Things, that to them shall or may appertain to do.

The Governor may, by Letters Patents, incorporate the Inhabitants, to be a Body Corporate of the Mayor, Aldermen, &c. of *Williamsburg*.

The Corporation, & their Successors, capable in Law, to purchase Lands & Tenements, and to sell, &c. and to make By-Laws.

XX. *AND* that there may not be any Defect in the good Ordering or Management of the said Land appropriated by this Act, for the building of the said City, and in providing for the better Regulation thereof, until the next Meeting of Assembly,

For the better putting this Act in Execution,

XXI. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That His Excellency *Francis Nicholson*, Esq; His Majesty's Lieutenant and Governor General of *Virginia*, *Edmund Jennings*, Esq; of His Majesty's Honourable Council, *Philip Ludwell*, Esq; and *Thomas Ballard*, Gentleman, Members of the Right Worshipful House of Burgesses of this present General Assembly, *Lewis Burwell*, *Philip Ludwell*, Junior, *John Page*, *Henry Tyler*, *James Whaley*, and *Benjamin Harrison*, Junior, Gentlemen, or any Five, or more of them, shall be and are hereby nominated, authorized, and empowered, by the Name of The Directors appointed for the Settlement and Encouragement of the City of *Williamsburg*, to make such Rules and Orders, and to give such Directions in the Building of the said City and Ports, not already provided for by this Act, as to them shall seem best and most convenient.

Directors appointed.

Their Power.

XXII. *AND*

A. D. 1705.

The Govern-
nor to grant
to the City of
Williamsburg,
Letters Pa-
rents for Mar-
kets & Fairs.

XXII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That His Excellency the Governor, or the Governor or Commander in Chief, of this His Majesty's Colony and Dominion, for the Time being, is hereby impowered and desired, by Letters Patents, under the Seal of this His Majesty's Colony and Dominion, to grant unto the said City of *Williamsburg*, the Liberty and Privilege of holding and keeping such and so many Markets and Fairs, at such Time and Times, and upon such Conditions, and under such Limitations, as he shall think fit.

Proviso, No
Lots to be
sold before
October 20,
1699.

XXIII. *PROVIDED always, and be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That no Lot or Lots of any Half Acre, or Half Acres of Land, shall be sold or disposed of, to any Person or Persons whatsoever, before the Twentieth Day of *October* next ensuing the Date of this Act: To the End, that the whole Country may have timely Notice of this Act, and equal Liberty in the Choice of the Lots.

The before
recited Act
declared in
Force.

XXIV. NOW, forasmuch as several Parts and Clauses recited in the aforesaid Act, are not executed, others necessary to remain in Force, and for confirming every Thing already done, by any Person or Persons whatsoever, by Virtue of, and pursuant to, the aforesaid Act, *Be it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That the afore-recited Act, and every Part and Clause thereof, be and are hereby declared to be in full Force.

Further Pro-
vision about
building in D.
of *Glocester*
Street.

XXV. *AND be it further Enacted*, If any Person shall hereafter take a Grant of Two Lots, or Half Acres of Land, upon the Great Street of the said City, commonly called *Duke of Glocester* Street, and within the Space of Four and Twenty Months next ensuing such Grant, upon the said Lots, or Half Acres, or either of them, shall build and finish One House Fifty Foot long, and Twenty Foot broad; or within the Space aforesaid, upon the said Lots, or Half Acres, or either of them, shall build and finish One Brick House, or Framed House, with Two Stacks of Brick Chimnies, and Cellars under the whole House, bricked, Forty Foot long, and Twenty Foot broad, either of the said Performances, shall be sufficient to save the Grant of both the said Lots, or Half Acres from becoming void, and shall be so adjudged, deemed, and taken; any Law, Usage, or Custom heretofore, to the contrary, notwithstanding.

Further Pro-
vision about
building in
the other
Streets.

XXVI. *AND* if any Person shall hereafter take a Grant of Two Lots, or Half Acres of Land, upon the Great Street of the said City, and One or more Lots, or Half Acres backward, and within the Space of Four and Twenty Months next ensuing such Grant, upon the Lots, or Half Acres contiguous to the Great Street, or either of them, shall build and finish in ordinary framed Work, as much Dwelling Housing, as will make Five Hundred Square Feet superficial Measure, on the Ground Plat, for every Lot, or Half Acre taken up; or within the Space aforesaid, upon the said Two Lots, or Half Acres, or either of them, shall build and finish, in Brick Work, or framed Work, with Brick Cellars under the whole, and Brick Chimnies, as much Dwelling Housing, as will make Four Hundred Square Feet superficial Measure on the Ground Plat, for every Lot, or Half Acre taken up, either of the said Performances shall be sufficient to save the Grant of all and every of the said Lots, or Half Acres, from becoming void, and shall be so adjudged, deemed, and taken; any Law, Usage, or Custom heretofore, to the contrary, notwithstanding.

XXVII. PRO-

XXVII. *PROVIDED always*, That the building of One House, be the Dimensions thereof never so large, shall not save more than Two Lots, or Half Acres, on the Great Street; and that whatever Lots, or Half Acres more, the Builder is willing to take a Grant of, shall be taken Backwards.

4. D. 1705.

One House shall only save 2 Lots upon the Great Street.

XXVIII. *AND be it further Enacted*, That every Person having any Lots, or Half Acres of Land contiguous to the Great Street, shall inclose the said Lots, or Half Acres, with a Wall, Pails, or Posts and Rails, within Six Months after the Building, which the Law requires to be erected thereupon, shall be finished, upon Penalty of forfeiting and paying Five Shillings a Month for every Lot, or Half Acre, so long as the same shall remain without a Wall, Pails, or Rails, as aforesaid: To be recovered before any Justice of the Peace of York or James-City County, upon the Complaint of any One of the Trustees or Directors, and to be disposed of by the Directors as they shall think fit, for the Use and Benefit of the said City and Ports thereunto belonging.

Lots to be inclosed within 6 Months after building finished.

XXIX. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That none of the Lots, or Half Acres of Land in the City of Williamsburg, whereon any Houses were standing, at the Laying out of the said City, shall vest in the said Feoffees and Trustees of the said City, to be disposed of, as the rest of the Lots, and Half Acres may be, by Virtue of the said Act, made at a General Assembly, begun at James City, the Twenty Seventh Day of April, One Thousand Six Hundred Ninety Nine, intituled, *An Act directing the building the Capitol, and the City of Williamsburg*; but that all and every of the said Lots and Half Acres, shall remain and continue the proper Estate of the respective Proprietors unalter'd by the said Act, and so shall be adjudged, deemed, and taken; any thing in the said Act to the contrary, or seeming to the contrary, notwithstanding.

Lots whereon any Houses were standing at the laying out the City, not vested in the Trustees.

XXX. *AND be it also Enacted*, That the Four Lots, or Half Acres, which at the first Laying out of the Land for the said City, were laid out and appropriated for the Buildings then erected on the same, by Benjamin Harrison, Junior, Esq; shall remain and continue to the Use of the said Benjamin Harrison, his Heirs and Assigns, and shall not lapse for want of other Building thereon; any thing in this Act to the contrary, notwithstanding.

Saving to Benjamin Harrison.

XXXI. *AND* whereas, by the Death, Removal out of the Country, or into remote Parts, of several of the Persons nominated Directors in the aforesaid Act, and the Refusal of others to concern themselves therein, the Powers and Authorities to them granted, have not been so fully executed as was intended; and it being necessary, for the better regulating and ordering the building of the said City of Williamsburg, that a competent Number of Directors, be appointed and continued to inspect the same:

XXXII. *BE it therefore Enacted, by the Authority aforesaid, and it is hereby Enacted*, This His Excellency Edward Nott, Esq; Her Majesty's Lieutenant and Governor General of Virginia, Edmund Jennings, Philip Ludwell, William Byrd, and Benjamin Harrison, Junior, Esqs; Henry Tyler, David Bray, Frederick Jones, Archibald Blair, Chickley-Corbin Thacker, and William Robertson, Gentlemen, or any Five, or more of them, be, and they are hereby authorised and impowered, by the Name of The Directors of the Settlement and Encouragement of the City of Williamsburg, from Time to Time, and at all Times hereafter, until the said City shall be erected into a Corporation, in Manner aforesaid, to direct and order the Laying out the

Other Directors appointed.

Their Powers.

Ms. D. 1703. the Lots and Streets of the said City, where the Bounds and Marks thereof are worn out, to lay out a convenient Space of Ground for the Church-Yard, to enlarge the Market-Place, and to alter any of the Streets or Lanes thereof, where the same are found inconvenient; and also to settle and establish such Rules and Orders for the more regular and orderly building of the Houses in the said City, as to them shall seem best and most convenient.

D. of Gloucester Street not to be altered. XXXIII. *PROVIDED* always, That the Main Street, called *Duke of Gloucester Street*, extending from the Capitol, to the utmost Limits of the City Westward, 'till it joins on the Land belonging to the College, shall not hereafter be altered, either in the Course or Dimensions thereof.

Vacancy of a Director to be supply'd by Election of the rest. XXXIV. *AND be it further Enacted*, That in Case of the Death, Removal out of the Country, or other legal Disability, of any One or more of the Directors before named, it shall and may be lawful for the surviving or remaining Directors, from Time to Time, to elect and chuse so many other Persons, in the Room of those so dead or removed, as shall make up the Number of Ten; which Directors so chosen, shall be; to all Intents and Purposes, vested with the same Power, as any other in this Act particularly nominated and appointed.

C H A P. XLIV.

An Act for confirming Titles to Town Lands.

Preamble. I. **W**HEREAS, an Act made at a General Assembly, begun at *James City*, the Sixteenth Day of *April*, One Thousand Six Hundred Ninety and One, intituled, *An Act for Ports, &c.* stands suspended: And forasmuch as, pursuant to the said Act, divers Tracts of Land have been purchased, and laid out for Ports and Towns, in the respective Places appointed by the said Act, and vested in Trustees; many of which have conveyed Lots, or Half Acres therein, to several Persons, who have built thereon, and have made considerable Improvements:

Titles of Lands purchased for Ports or Towns, pursuant to the Act for Ports, &c. and vested in Feoffees or Trustees, confirmed. II. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That where any County or Counties have purchased, laid out, and paid for any Lands, for Ports or Towns, pursuant to the said Act, for *Ports, &c.* or to any other Act of Assembly, and have vested the same in Feoffees or Trustees, according to the said Act or Acts; such Feoffees or Trustees so invested, are hereby declared to have a good, absolute, and indefeasible Estate in Fee, in such Lands respectively, which have not been disposed of by the former Trustees, in Trust and Confidence, to and for the Uses in the said Act for *Ports, &c.* mentioned, and for no other Use or Purpose whatsoever; and the said Land or Lands are hereby confirmed to the said Feoffees or Trustees, in Fee, to such Use or Uses; any thing in the said Suspension, or any other Law, Statute, Usage, or Custom, to the contrary, in any-wise, notwithstanding.

And such Lands not yet vested in Feoffees or III. *AND be it further Enacted*, That where any County or Counties, pursuant to the said Act for *Ports*, or any other Act of Assembly, have purchased, laid out, and paid for Fifty Acres of Land, and the same, by the Death,

Death, or Refusal of the Proprietor, or other Accident, hath not been conveyed to Trustees, according to the said Law or Laws; such Land or Lands shall be and are hereby confirmed to such Feoffees or Trustees, as hereafter, by Virtue of this Act, shall be appointed by the County Courts, to and for the Uses aforesaid, in as full and ample Manner, as if the said Land or Lands had been really and actually conveyed, in Law, by such Proprietors to such Feoffees or Trustees, in Manner, as by the said Law *for Ports*, is expressed.

A. D. 1703

Trustees confirmed to Feoffees or Trustees hereafter to be appointed by the County Courts, to the Uses limited by that Act.

On Death, or Departure out of the Country, of any Feoffee or Trustee, County Courts to appoint others.

IV. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if in any County, the Feoffees or Trustees already appointed, by Virtue of the said Act *for Ports*, be dead, or departed out of this Country, the County Court of such respective County is hereby empowered and required to appoint other Feoffees or Trustees, who are hereby invested and confirmed in the Fee of all such Land or Lands (not by former Trustees disposed of) to the Use or Uses afore-mentioned, and to no other Use or Purpose whatsoever: And all Feoffees or Trustees, by Virtue of the said Act *for Ports*, &c. already made, or by Virtue of this Act hereafter to be made, are hereby empowered and required, in their respective County, to convey and make over any Lot or Lots, Half Acre or Half Acres of Land, to such Person or Persons as shall desire to take up the same, according to the said Act *for Ports*; and upon the Conditions therein specified, as if the said Act *for Ports* had never been suspended; any Law, Statute, Usage, or Custom, to the contrary, notwithstanding.

V. *AND be it further Enacted*, That if any Person or Persons have purchased and paid for any Lot or Lots, Half Acre or Half Acres of Land, in any of the said Places, of any Feoffees or Trustees, pursuant to the said Law, and have fully complied with the Conditions in the said Law mentioned and set down; such Person or Persons are hereby declared to be invested with, and have a good, absolute, and indefeasible Estate in Fee, to such Lot or Lots, Half Acre or Half Acres of Land; and the same is hereby confirmed in Fee to such Person and Persons, and to his and their Heirs for ever.

Titles of Purchasers of Lots, &c. confirmed.

C H A P. XLV.

An Act for Naturalization.

I. **W**HEREAS nothing can contribute more to the speedy Settling and Peopling of this Her Majesty's Colony and Dominion, than that all possible Encouragement should be given to Persons of different Nations to transport themselves hither, with their Families and Stock, for to settle, plant, or reside, by investing them with all the Rights and Privileges of any of Her Majesty's Natural Free-born Subjects within this Colony:

Preamble.

Vid. Chap. 2,
1680.

II. *BE it therefore Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That it shall and may be lawful for the Governor, or Commander in Chief of this Colony and Dominion, for the Time being, by a public Instrument, or Letters Patents, under the Broad Seal thereof, to declare any Alien or Aliens, Foreigner or Foreigners, being already settled, or Inhabitants in this Colony, or which shall hereafter come to settle, plant, or reside therein, upon his, her, or their taking, before him, the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Alle-

Governor may, by Letters Patents, under the Broad Seal, naturalize Aliens, taking the Oaths, &c.

A.D. 1705.

giance and Supremacy, the Oath mentioned in an Act, intituled, *An Act to declare the Alterations in the Oath appointed to be taken by the Act*, intituled, *An Act for the further Security of His Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined, and subscribing the Test*, to be, to all Intents and Purposes, fully and completely naturalized; and that all Persons having such public Instrument, or Letters Patents, shall, by Virtue of this Act, have and enjoy to them, and their Heirs, the same Immunities and Rights, of and unto the Laws and Privileges of this Colony and Dominion, as fully and amply as any of Her Majesty's Natural-born Subjects have or enjoy within the same, and as if they themselves had been born within any of Her Majesty's Realms or Dominions; any former Act, Law, Ordinance, Usage, or Custom, to the contrary, notwithstanding.

III. AND to the Intent, the said public Instrument, or Letters Patents, under the Broad Seal of this Colony, as aforesaid, may be obtained, without any great Difficulty or Charge,

Fees,
To the Governor, 40s.
Clerk 10s.

IV. *BE it further Enacted*, That the Governor, or Commander in Chief of this Colony and Dominion, granting such public Instrument or Letters Patents, shall have and receive for the same, Forty Shillings, and his Clerk, for writing of it, Ten Shillings, and no more.

V. AND whereas several Aliens and Foreigners, that have formerly transported themselves to this Her Majesty's Colony and Dominion, and have taken up and patented, in their own Name, several Parcels of Land, or otherwise made Purchase of Lands, Houses, Tenements, or other Real Interest, and have afterwards sold the same to some of Her Majesty's Liege People, or Inhabitants of this Colony and Dominion,

Lands and
Tenements
purchased and
held of Ali-
ens, before
this Act, con-
firmed.

VI. *IT is hereby further Enacted*, That all Persons which have purchased and held, under any such Alien or Aliens, any Lands, Houses, or Tenements, be secured, and by Virtue of this present Act, for ever, be confirmed in the quiet and peaceable Possession of the said Purchases, unto them and their Heirs for ever; any former Law, Usage, or Custom, to the contrary, in any-wise, notwithstanding.

No Privile-
ges granted to
Aliens, con-
trary to Acts
of Parlia-
ment, &c.

VII. *PROVIDED*, That nothing in this Act contained, shall be construed to enable or give Power or Privilege to any Foreigner, to do or execute any Matter or Thing, which by any of the Acts made in *England*, concerning Her Majesty's Plantations, he is disabled to do or execute.

C H A P. XLVI.

Vid. Chap. 1.
1730.

An Act for Improving the Staple of Tobacco; and for Regulating the Size and Tare of Tobacco Hogsheads.

Person tend-
ing Seconds,
forfeit 500 lb.
Tob. for eve-
ry Tithable
on the Plan-
tation.

I. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, and Declared, by the Authority of the same*, That all Tending of Seconds, for Tobacco, is hereby forbid: And that whosoever shall tend, or cause or suffer to be tended any Seconds, shall forfeit and pay Five Hundred Pounds of Tobacco for every

every Tithable Person he shall have or employ that Year, upon the Plantation where the Seconds shall grow.

II. *PROVIDED*, That where any Person or Persons, shall entrust his or their Plantation or Plantations, and the Servants and Slaves thereon, to the Management of an Overseer, being a Free Man, the Owner of such Plantation, Servants, and Slaves, shall not be liable to Prosecution, for any Breach of this Act: But such Overseer, tending, or causing or suffering to be tended, any Seconds, shall incur the said Penalty of Five Hundred Pounds of Tobacco, for every Tithable Person that shall be employed that Year, upon the Plantation under his Charge, where such Seconds shall grow, as aforesaid.

III. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That whosoever shall hereafter pack, or cause to be packed, any Hogshead of Tobacco, they pack or cause the same to be packed fairly, and without Deceit, and equally good throughout, as it appears at the Head. And that if any Person or Persons whatsoever, shall pay away, or put to Sale, or offer to pay away, or put to Sale, any Hogshead of Tobacco, which he hath deceitfully, or hath caused or suffered to be deceitfully packed, by putting therein any Stones, or intermingling therewith any Dirt, Sand, Tobacco-Stalks, Stems, Seconds, Ground Leaves, or other Trash whatsoever, shall forfeit, for every Hogshead so deceitfully packed, One Thousand Pounds of Tobacco.

IV. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That when any Complaint or Information shall be made, or Suit brought, to any Court, concerning the false Packing of a Hogshead of Tobacco, the Court shall forthwith appoint Two or Three Men, who are reputed to be skilful Planters, to search and view the said Hogshead of Tobacco; and to make Report, upon Oath, to the Court, how they find the same; and whether, in their Opinion, it be fairly packed, as this Act directs: And their Report therein, shall be admitted as good Evidence at the Trial.

V. *PROVIDED*, That Five Pounds Weight, and no more, be allowed in one Hogshead, for Sand, Dust, and mean Tobacco, (to wit,) such Tobacco as is not passable by it self, without better joined with it.

VI. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Creditor shall omit to demand or receive a Tobacco Debt, by the last Day of January, it shall be lawful for the Debtor, at any Time in February, to apply himself to Two Justices of the Peace of the County, to make a Tender of the Tobacco he owes, according to the Tenor of the Specialty or Bargain by which it appears due: Which said Two Justices shall be and are hereby impowered and required, to appoint, without Delay, Three honest and able Men of the Neighbourhood, on their Oaths, to view the Tobacco; and if they find it merchantable, and packed fairly, according to the Direction of this Act, they shall weigh and mark the same, for the Use of the Creditor, on whose Account and Hazard it shall thereafter lie. And upon producing Certificate from the said Justices, of the said Tender, to the next County Court, and that the Tobacco is found good, and fairly packed, as the Law directs, the said Court is hereby authorised and impowered, by their Order, to discharge the Debtor from his said Debt.

4 D. 1705.

And Overseers liable to the like Penalty.

Persons exposing to Sale, or tendering Tobacco false packed, and mixed with Stones, Dirt, Sand, Stalks, Stems, Seconds, Ground Leaves, or other Trash, forfeit 1000^{lb}. Tobacco per Hogshead.

Upon Information, or Suit brought, the Court shall appoint Viewers, upon Oath.

5^{lb}. Weight per Hogshead. to be allowed for Sand, Dirt, & mean Tob.

Creditor failing to demand or receive his Tobacco, before 31 January, the Debtor may, at any Time in February, make a Tender before 2 Justices, who shall appoint 3 Viewers, upon Oath, to weigh and mark the Tobacco (if by them found merchantable) for the Creditor, and the Debtor producing Certificate thereof to the next County Court, shall be discharged.

A. D. 1705.

But Tender shall be made according to Specialty, & the Debtor shall preserve the Tob. as his own, and defray the Charge of the Tender.

Viewer to have 20 lb. Tob. per Day.

Tobacco Casks shall be made of dry well seasoned Timber, the Staves 48 Inches long, & $\frac{3}{4}$ of an Inch thick on the thinnest Edge, and the inside of the Hoghead 30 Inches Diameter.

Coopers shall be sworn before a Justice.

The Oath.

And take Certificate. Persons employing their Servants or Slaves in making Tobacco Casks, shall also make Oath and take Certificate.

Coopers, &c. setting up, &c. Tobacco Casks, contrary to this Act, or before Oath made, & Certificate obtained, forfeit 500 lb. Tob. for every Cask

Fines appropriated.

VII. *PROVIDED*, The said Tender was made in Place according to Specialty: And *Provided*, That the said Debtor still endeavour to secure and preserve the said Tobacco as before the Tender, and as it were still his own.

VIII. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the Debtor making Tender, as aforesaid, shall bear and defray the Charge accruing thereby: And that each Viewer shall be allowed Twenty Pounds of Tobacco per Day.

IX. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That every Tobacco Hogshead, in which Tobacco shall be packed, paid away, or put to Sale, shall be made of dry and well seasoned Timber, and which hath been hewed Three Months at least before the setting up; and shall be set up in strong and substantial Hoops; the Stave shall be in Length Forty Eight Inches, and no more, and at least One Third of an Inch in Thickness, on the thinnest Edge thereof; the Size of the Head on the Inside shall be Thirty Inches in Diameter, and no more.

X. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all and every Cooper and Coopers, or other Persons intending to set up Tobacco Hogsheads, do go before a Justice of the Peace for the County where he dwells, and make Oath, That he shall not willingly or wittingly set up any Tobacco Hogsheads of a larger Size than is herein directed: And also to tare, or cause to be tared, with a Marking-Iron, or Branding-Iron, every Tobacco Hogshead that by him shall be set up, with the true Weight thereof, on the Bulge and Head of the Hogshead; together with the first Letter of his Proper-Name and Sir-Name: And shall take a Certificate from the said Justice, of such Oath so made. And if any Person or Persons shall employ any Negro, Mulatto, or other Servant, in making Tobacco Hogsheads, such Emploier shall go before a Justice of the Peace for the County where he or she dwells, and make Oath, That he or she so employing the said Negro, Mulatto, or other Servant, shall not willingly nor wittingly, suffer or permit any Tobacco Hogsheads to be set up for them, of a larger Size than is herein directed; but shall use their utmost Endeavours to prevent the same: And also, that what Hogsheads by such Negro, Mulatto, or other Servant, shall be made or set up for him or her, shall be tared, and the Two first Letters of his or her Proper-Name and Sir-Name set thereon, in Manner aforesaid: And shall also take a Certificate from the said Justice, of such Oath made.

XI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Cooper, Coopers, or any other Person or Persons, set up Tobacco Cask, contrary to this Act; or shall pay away, put to Sale, or put, or cause to be put on Board any Boat, Sloop, Ship, or other Vessel, in order to Exportation, any Tobacco whatsoever, packed in Cask of a greater Size than is herein before expressed and set down; or that is made of less seasoned Timber or Staves, thinner than before directed; or that is not tared with their just Weight, as before in this Act is enjoined; or shall presume to set the Tare upon any Hogshead, before Oath made, and a Certificate obtained, as aforesaid, such Cooper or Coopers, other Person or Persons, if Free, and if not, the Emploier shall, for every Tobacco Hogshead so made, paid away, put to Sale, or shipped, forfeit and pay the Sum of Five Hundred Pounds of Tobacco; One Moiety of all the Fines and Forfeitures in this Act before mentioned, shall be to our Sovereign Lady the Queen, her Heirs and

Successors,

Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will sue or inform for the same: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

A. D. 1707.

XII. *PROVIDED* always, That every Justice of the Peace before whom Complaint of the Breach of this Act shall be brought, shall be and is hereby empowered to consider what any Tobacco Hogshead, after it hath lain some Time packed, may, by the Moisture of the Tobacco, or Weather, increase in Weight; and give Judgment accordingly.

XIII. *AND* also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Buyer or Receiver of Tobacco in Cask, shall receive and take the same at the Tare thereon set, and allow Thirty Pounds of Tobacco for each Hogshead, notwithstanding any Bill, Bond, or Contract, expressing the same, to be paid with Cask; on Penalty of One Hundred and Fifty Pounds of Tobacco, payable to the Informer; and recoverable, with Costs, upon Complaint, before any Justice of the Peace of the County.

XIV. *PROVIDED*, That neither this Act, nor any Thing therein contained, shall be construed to extend to Contracts, Grants, Rents, or Reservations of Cask, with the Tobacco upon Leases, for Lands; but that the Cask shall and may be paid, received, demanded, sued for, and recovered, according to the Conditions, Contracts, Grants, and Reservations of the Rents, upon such Leases.

XV. *PROVIDED* also, That this Act, nor any thing herein contained, shall be construed or intended to restrain or prohibit any Person or Persons from freighting or shipping of their own Tobacco in Hogsheads of a lawful Size, although the Hogsheads be not tared, nor any Oath made thereto, according to this Act, the Freighter or Freighters, Owner or Owners of the said Tobacco, neither directly nor indirectly exposing the same to Sale in the Country.

XVI. *PROVIDED* always, That the Sheriffs and Collectors of public Dues, shall allow, for all Public Tobaccos paid in Hogsheads, to the Paier thereof, Eight *per Cent.* for Cask, instead of the Thirty Pounds of Tobacco per Hogshead, it being so raised in the public Proportions, as hath of a long Time been accustomed; any thing in this Act to the contrary, in any-wise, notwithstanding.

XVII. *AND* be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to Improving the Staple of Tobacco, and Regulating the Size and Tare of Tobacco Hogsheads, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

This Act was confirmed by the Queen, in Council, Anno 1707.

Allowance to be made for the Increase of Weight of Tobacco Hogsheads by the Moisture of the Tobacco or Weather.

Buyers of Tobacco shall receive Hogheads, at the Tare set on the Casks, & allow 30 lb. Tob. for the Hoghead, altho' the Tob. be due by Specialty, to be paid in Cask, on Penalty of 150 lb. Tob. But this shall not extend to Rents, &c. where the Cask is reserved.

Nor to Persons shipping their own Tobacco in Casks of lawful Size, tho' not tared, &c.

Collectors of Public Dues, shall allow 8 *per Cent.* for Cask, in Lieu of 30 lb. Tob. for such Dues paid in Hogheads.

All former Laws relating to Tob. &c. repealed.

A. D. 1705.

C H A P. XLVII.

An Act to prevent Ships sailing in Contempt of Embargos.

Preamble.

I. FORASMUCH, as several Masters of Ships and Vessels in this Colony and Dominion, have, in Contempt of Embargos, sailed out of the Colony; and that such Practices may be of dangerous Consequence, by a Discovery of the State of the Colony, and the Trade here, in case any Ship or Vessel so sailing, should happen to be taken by the Enemy:

Masters of Ships, &c. at Entry shall give Bond, with Condition, not to depart this Colony, during the Continuance of an Embargo, &c.

II. BE it therefore Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That all Masters of Ships and Vessels, when they make their Entry, shall give Bond to the Naval Officer, according to the Burthen of their Ships or Vessels, as followeth; If the Ship or Vessel be under One Hundred Tons, the Bond shall be for One Hundred Pounds *Sterling*; if One Hundred Tons, and not Two Hundred Tons, the Bond shall be for Two Hundred Pounds *Sterling*; if Two Hundred Tons, and upwards, the Bond shall be for Five Hundred Pounds *Sterling*: To all which Bonds, the Condition shall be, not to depart this Colony, when any Embargo is laid, during the Continuance of such Embargo; and also to observe and follow such Rules and Directions as shall be thought necessary to be given by the Government, for the making up of Fleets.

But Notice of such Embargo shall be given by the Collectors & Naval Officers to the several Masters of Ships, &c. in their respective Districts.

III. PROVIDED always, and it is the true Intent and Meaning of this Act, That when any Embargos are laid on Ships or Vessels within this Dominion, that the Collectors or Naval Officers, upon Receipt of the Order for such Embargo, shall forthwith give Notice to the several Masters of Ships and Vessels within their respective Districts, of the said Embargo, and the Time of the Continuance thereof; and that no Bond whatsoever required and given, by Virtue of this Act, shall be adjudged, deemed, or taken to be forfeited, unless Notice hath been given, as aforesaid, and Breach be made of the Condition of the said Bond, after such Notice; any thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

All former Laws relating to Embargos, repealed.

IV. AND be it Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XLVIII.

An Act concerning Marriages.

Ministers shall not celebrate the Rites of Matrimony without License, or thrice publishing the Banns, on Pe-

I. BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That no Minister or Ministers shall celebrate the Rights of Matrimony between any Persons, or join them together as Man and Wife, without lawful License, or Thrice Publication of the Banns, according as the Rubric in the Common-Prayer Book prescribes, which enjoins, that if the Persons

sons to be married, dwell in several Parishes, the Banns shall be published in both Parishes; and that the Curate of the one Parish shall not solemnize the Matrimony, until he have a Certificate from the Curate of the other Parish, that the Banns have been Thrice published, and no Objection made against the Parties joining together: And if any Minister or Ministers shall, contrary to the true Intent and Meaning of this Act, celebrate the Rites of Matrimony between any Persons, or otherwise join them in Marriage, he or they so offending, shall, for every such Offence, be imprisoned, without Bail or Mainprize, by the Space of One whole Year; and also shall forfeit and pay Five Hundred Pounds current Money of *Virginia*: And if any Minister, contrary to the true Intent and Meaning of this Act, shall go out of this Her Majesty's Colony and Dominion, and there join together in Matrimony, any Person or Persons belonging to this Country, without such License or Publication of Banns, as is herein prescribed, every Minister so offending, shall incur the same Penalties and Forfeitures, as if the same had been done in this Colony.

A. D. 1705.

Penalty of 500l. current Money, and One Year's Imprisonment without Bail.

Or going out of this Dominion, & there marrying any Inhabitant of this Colony, without License or Banns liable to the same Penalty.

II. *PROVIDED always, and be it Enacted, by the Authority aforesaid*, That where any Parish or Parishes have not a Minister, it shall and may be lawful for the Clerk or Reader to publish the Banns of Matrimony between any Persons desiring the same; and if no Objection be made, to grant a Certificate thereof, and such Certificate shall be as sufficient for any Minister to solemnize the Rites of Matrimony, as if the same had been signed, according to the Directions herein before mentioned.

In vacant Parishes, the Clerk or Reader may publish the Banns, and grant Certificate.

III. *AND be it also Enacted*, That if any Minister, Clerk, or Reader, shall grant a false Certificate, he shall suffer One Year's Imprisonment, without Bail or Mainprize, and be fined Five Hundred Pounds *Sterling*, and shall also be liable to further Punishment, as in Case of Forgery: And all such Offences may be prosecuted, tried, and determined, in any Court of Record in this Colony; which Courts are hereby impowered to hold Cognizance thereof, and to hear and determine the same, according to the Course of Common Law; and upon Conviction of the Party accused, by Confession, Verdict, or otherwise, to award Execution, and inflict the Penalties provided by this Act for the same: And in such Case, the said Offence may be alledged and laid in any County within this Colony.

Minister, Clerk, or Reader, granting a false Certificate, fined 500l. *Sterl.* 1 Year's Imprisonment, & liable to be prosecuted for Forgery.

IV. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all Licenses for Marriage, shall be issued by the Clerk of the Court of that County where the Feme shall have her usual Residence, and by him only, and in such Manner, and under such Rules and Directions as are herein mentioned and set down; (that is to say,) he shall take Bond to our Sovereign Lady the Queen, her Heirs and Successors, with good Surety, in the Penalty of Fifty Pounds current Money of *Virginia*, under Condition, that there is no lawful Cause to obstruct the Marriage, for which the License shall be desired; and each Clerk failing herein, shall forfeit and pay Fifty Pounds current Money of *Virginia*: And if either of the Persons intended to be married, shall be under the Age of One and Twenty Years, and not theretofore married, the Consent of the Parent or Guardian of every such Person under the Age of One and Twenty Years, shall be Personally given before the said Clerk, or signified under the Hand and Seal of the said Parent or Guardian, and attested by Two Witnesses: All which being done, the Clerk shall write the License, and shall certify specially the said Bond: And if the Persons, in the License, or either of them, be under the Age of One and Twenty Years, as aforesaid, he shall also certify the Consent of the Parent or Guardian of such so under Age, and the Manner thereof, to the First Justice in Commission

Marriage Licenses shall be issued by the Clerk of that County where the Feme resides. Method for obtaining Licenses.

A. D. 1705.

shall be
sign'd by the
First Justice
in the Com-
mission, or
other Person
commissioned
by the
Governor.

Clerk issuing
a Marriage Li-
cense or Cer-
tificate in o-
ther Manner,
and the Per-
son signing or
directing such
License, &c.
forfeit 500l.
& 1 Year's Im-
prisonment.

Feme Sole;
of the Age of
12, and under
16 Years, mar-
rying without
consent of Pa-
rent or Guar-
dian, or Pub-
lication of
Banns, shall
lose her Inhe-
ritance, & the
next Heir may
enter & hold
the Estate, du-
ring such Co-
verture; but
after Determin-
ation there-
of, the Estate
shall revert &
remain to the
Feme, and her
right Heirs.

Minister or
Reader wittingly
publishing the Banns,
or marrying a
Servant, with-
out Certificate
from the Mas-
ter, &c. for-
feits 10000lb.
Tob. and the
Servant so
married shall
serve 1 Year,
after Expira-
tion of the
first Servitude.

Free Person
marrying with
a Servant, for-
feits 1000lb.
Tob. or One
Year's Service.

sion of the Peace for that County, or to such other Person as shall be thereto commissioned by the Governor of this Her Majesty's Colony and Dominion, or Commander in Chief thereof, for the Time being; which Premises being performed, the said Justice of the Peace, or other Person commissioned, as aforesaid, is hereby authorized, impowered, and required to sign and direct the said License: And a License so obtained and signed, and no other whatsoever, is hereby declared to be a lawful License, according to the true Intent and Meaning of this Act: And if any County Court Clerk shall, in any other Manner, issue any License of Marriage, or, contrary to this Act, make Certificate for any License of Marriage; and if any Person whatsoever shall sign or direct a License of Marriage, in any other Manner, than is by this Act permitted or allowed, or without such Certificate from the County Court Clerk as is by this Act prescribed, all and every Person and Persons so offending, shall be imprisoned without Bail or Mainprize, by the Space of One whole Year; and moreover, shall forfeit and pay Five Hundred Pounds current Money of Virginia.

V. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any Woman-kind, or Maiden, of the Age of Twelve Years, or upwards, and under the Age of Sixteen Years, shall, contrary to the Will or Consent of her Parent or Guardian, and without Publication of the Banns, as aforesaid, consent and agree in her Marriage with any Person whatsoever; that then the next of Kin to such Woman-kind, or Maiden, to whom the Inheritance should descend or come, shall have Right to enter upon and take Possession of all the Lands, Tenements, Hereditaments, and all other Real Estate whatsoever, which the said Woman-kind, or Maiden, at the Time of her said Marriage and Agreement, had in Possession, Reversion, or Remainder; and have, hold, occupy, and enjoy the same, to him, and the Representatives of his Stock, with all the Immunities and Privileges thereto belonging, during the Coverture: And that after the Determination thereof, the said Lands, Tenements, Hereditaments, and other Real Estate, and also the Possessions, Reversions, and Remainders thereupon, with all the Rights, Immunities, and Privileges thereto belonging, shall then immediately vest, remain and be in the said Woman so agreed and married, as aforesaid, and her Heirs, or such Person or Persons as should have enjoyed the same, if this Act had never been made, other than the Person with whom she shall so consent in Marriage; with Power to them, and every of them, to re-enter and take Possession of the same; any Thing herein contained, to the contrary thereof, in any-wise, notwithstanding.

VI. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any Minister or Reader shall wittingly publish, or cause or suffer to be published, the Banns of Matrimony, between any Servants, or between a Free Person and a Servant; or if any Minister shall wittingly celebrate the Rites of Matrimony between any such, without a Certificate from the Master or Mistress of every such Servant, that it is done by their Consent, he shall forfeit and pay Ten Thousand Pounds of Tobacco: And every Servant so married, without the Consent of his or her Master or Mistress, shall, for his or her said Offence, serve his or her said Master or Mistress, their Executors, Administrators, or Assigns, One whole Year, after the Time, of Service, by Indenture or Custom, is expired: And moreover, every Person being Free, and so marrying with a Servant, shall, for his or her said Offence, forfeit and pay to the Master or Owner of such Servant, One Thousand Pounds of Tobacco, or well and faithfully serve the said Master or Owner of the said Servant One whole Year, in actual Service.

VII. *AND*

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VII. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Clerk of each County Court, Annually, in October, send to the Governor, or Commander in Chief of this Her Majesty's Colony and Dominion, for the Time being, an Account of the Marriage Licences issued by him; and also shall deliver to the Sheriff, or Collector for the County, the Account of the Governor's Dues for the said Licences, to be collected by the said Sheriff, or Collector, for the Governor's Use; and each Clerk failing herein, to be fined One Thousand Pounds of Tobacco.

County Court Clerks shall, Annually, in October, return to the Governor, a List of Marriage Licences issued, and shall deliver to the public Collector, an Account of the Governor's Dues, on Penalty of 1000 lb. Tob.

VIII. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Fees upon the said Marriages, be as followeth, viz.

TO the Governor, or Commander in Chief, for the Time being, for each Licence of Marriage, Twenty Shillings, or Two Hundred Pounds of Tobacco.

Fees. To the Governor, for a Licence, 20s. or 200 lb. Tob.

TO the Clerk of the County Court, issuing the same, Five Shillings, or Fifty Pounds of Tobacco.

To the Clerk, 5s. or 50 lb. Tob.

TO the Minister, if by Licence, Twenty Shillings, or Two Hundred Pounds of Tobacco; if by Banns, Five Shillings, or Fifty Pounds of Tobacco.

Ministers Fees.

TO the Minister or Reader, for publishing Banns, and certifying the same, if required, One Shilling and Six Pence, or Fifteen Pounds of Tobacco.

Publishing Banns, & Certificate, 1s. 6d. or 15 lb. Tobacco.

AND that these, and every of these said Fees, if not in ready Money, shall be paid, at Time of Year, in Tobacco, of the Growth of the Parish where the Feme lives; and upon Refusal of Paiment, be leviable by Distress, by such Officer, or Person, and in such Manner as directed for Clerks Fees.

IX. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if the Bridegroom live out of the County where the Licence is granted; or if the Clerk of the County Court making out such Licence, shall have ground to suspect, that the Person taking out such Licence, intends to remove out of the County, before the Time of Paiment of the aforesaid Dues, or is Insolvent, the said Clerk is hereby impowered and required, in such Case, to demand and take Bond of every such Person or Persons, with good Security in the County, to pay all Fees accruing due, by Reason of such Licence, at such Time, and in such Manner, as is herein before directed; and upon Refusal of Paiment, the said Fees shall and may be levied on the Estate of the Security, by Distress, as aforesaid.

Clerk may take Security for the Fees.

X. *AND be it also Enacted, by the Authority aforesaid; and it is hereby Enacted,* That if any Minister shall refuse to celebrate the Rites of Matrimony, for the Fees herein set down and allowed him; or shall exact greater or other Fees than are hereby allowed to the Minister, he shall forfeit and pay, for every such Offence, (that is to say,) Four Thousand Pounds of Tobacco, if the Marriage was, or was to have been, by Licence; and Five Hundred Pounds of Tobacco, if by Banns: One Moiety of all the Fines, Forfeitures, and Penalties, in this Act before mentioned, and not particularly appropriated; to be to Her Majesty, her Heirs and Successors, for and towards

Minister exacting greater Fees, shall forfeit 4000 lb. Tob. if by Licence; and 500 lb. Tob. if by Banns.

A.D. 1705.

Minister or
Reader refus-
ing to publish
& certify the
Banns, or ex-
acting greater
Fees, forfeits
50 lb. Tob.

Ministers
not neglecting
or refusing to
serve, shall
have the Be-
nefit of all Per-
quisites for
Marriages &
Funeral Ser-
mons in their
Parish, altho'
another be
employed.

All former
Laws relating
to Marriages,
&c. repeal'd.

the Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will inform, or sue for the same: And to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

XI. AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted, That if the Minister or Reader of any Parish shall refuse to publish and certify the Banns, for the Fees herein set down, and allowed him; or shall exact greater or other Fees, than are hereby allowed for the same, he shall, for every such Offence, forfeit and pay to the Party grieved, One Hundred and Fifty Pounds of Tobacco: To be recovered, with Costs, before a Justice of the Peace.

XII. PROVIDED always, That the Minister serving the Cure of any Parish, shall have the Benefit of the Perquisites for Marriages and Funeral Sermons in the said Parish, (if he do not neglect or refuse to do the Service thereof) although another Minister be employed to do the same.

XIII. AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XLIX.

An Act concerning Servants and Slaves.

Christian
Servants, im-
ported with-
out Indentures
and being a-
bove 19 Years
of Age, shall
serve 5 Years;
if under 19,
'till they be-
come 24.

But shall,
within 6
Months after
Arrival, be
brought be-
fore the Coun-
ty Court, to
have their Age
adjudged and
recorded; &
on Neglect
thereof, shall
serve but 5
Years, altho'
under 19.

Servants
pretending to
have Inden-
tures, but not
producing a-
ny within 2
Months after
being brought
before a Jus-
tice, shall be
barr'd from

I. BE it Enacted, by the Governor, Council, and Burgesses, of this pre- sent General Assembly, and it is hereby Enacted, by the Authority of the same, That all Servants brought into this Country without Indenture, if the said Servants be Christians, and of Christian Parentage, and above Nine- teen Years of Age, shall serve but Five Years; and if under Nineteen Years of Age, 'till they shall become Twenty Four Years of Age, and no longer.

II. PROVIDED always, That every such Servant be carried to the County Court, within Six Months after his or her Arrival into this Colony, to have his or her Age adjudged by the Court, otherwise shall be a Servant no longer than the accustomed Five Years, although much under the Age of Nineteen Years; and the Age of such Servant being adjudged by the Court, within the Limitation aforesaid, shall be entred upon the Records of the said Court, and be accounted, deemed, and taken, for the true Age of the said Servant, in Relation to the Time of Service aforesaid.

III. AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That when any Servant sold for the Custom, shall pretend to have Indentures, the Master or Owner of such Servant, for Discovery of the Truth thereof, may bring the said Servant before a Justice of the Peace; and if the said Servant cannot produce the Indenture then, but shall still pretend to have One, the said Justice shall assign Two Months Time for the doing thereof; in which Time, if the said Servant shall not produce his or her In- denture,

denture, it shall be taken for granted that there never was One, and shall be a Bar to his or her Claim of making use of One afterwards, or taking any Advantage by One.

A. D. 1705.

claiming any
Benefit of an
Indenture.

Who shall
be Slaves.

IV. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That all Servants imported and brought into this Country, by Sea or Land, who were not Christians in their Native Country, (except *Turks* and *Moors* in Amity with Her Majesty, and Others that can make due Proof of their being Free in *England*, or any other Christian Country, before they were shipped, in order to Transportation hither) shall be accounted and be Slaves, and as such be here bought and sold, notwithstanding a Conversion to Christianity afterwards.

V. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any Person or Persons shall hereafter import into this Colony, and here sell as a Slave, any Person or Persons that shall have been a Freeman in any Christian Country, Island, or Plantation, such Importer and Seller as aforesaid, shall forfeit and pay, to the Party from whom the said Freeman shall recover his Freedom, double the Sum for which the said Freeman was sold: To be recovered, in any Court of Record within this Colony, according to the Course of the Common Law, wherein the Defendant shall not be admitted to plead in Bar, any Act or Statute for Limitation of Actions.

Penalty on
Persons im-
porting Free-
men, and sel-
ling such as
Slaves.

VI. *PROVIDED always,* That a Slave's being in *England*, shall not be sufficient to discharge him of his Slavery, without other Proof of his being manumitted there.

Having been
in *England*,
no Discharge
from Slavery.

VII. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That all Masters and Owners of Servants, shall find and provide for their Servants, wholesome and competent Diet, Clothing, and Lodging, by the Discretion of the County Court; and shall not, at any Time, give immoderate Correction; neither shall, at any Time, whip a Christian white Servant naked, without an Order from a Justice of the Peace: And if any, notwithstanding this Act, shall presume to whip a Christian white Servant naked, without such Order, the Person so offending, shall forfeit and pay for the same, Forty Shillings *Sterling*, to the Party injured: To be recovered, with Costs, upon Petition, without the formal Process of an Action, as in and by this Act is provided for Servants Complaints to be heard; provided Complaint be made within Six Months after such whipping.

Duty of
Masters to
their Servants.
Shall not
whip a Chris-
tian white Ser-
vant naked,
without Order
from a Justice
of Peace, on
Penalty of
40s. to the
Party injured,
recoverable,
by Petition to
the Court,
within 6
Months.

VIII. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That all Servants, (not being Slaves,) whether imported, or become Servants of their own Accord here, or bound by any Court or Churchwardens, shall have their Complaints received by a Justice of the Peace, who, if he find Cause, shall bind the Master over to answer the Complaint at Court; and it shall be there determined: And all Complaints of Servants, shall and may, by Virtue hereof, be received at any Time, upon Petition, in the Court of the County wherein they reside, without the formal Process of an Action; and also full Power and Authority is hereby given to the said Court, by their Discretion, (having first summoned the Masters or Owners to justify themselves, if they think fit,) to adjudge, order, and appoint what shall be necessary, as to Diet, Lodging, Clothing, and Correction: And if any Master or Owner shall not thereupon comply with the said Court's Order, the said Court is hereby authorized and empowered, upon a Second just Complaint, to order such Servant to be immediately sold at an Outcry, by the Sheriff, and

Servants
Complaints,
how to be
heard and de-
termined.

Remedy up-
on a 2d Com-
plaint.

A. D. 1705.

after Charges deducted, the Remainder of what the said Servant shall be sold for, to be paid and satisfied to such Owner.

IX. *PROVIDED always, and be it Enacted*, That if such Servant be so sick or lame, or otherwise rendered so incapable, that he or she cannot be sold for such a Value, at least, as shall satisfy the Fees, and other incident Charges accrued, the said Court shall then order the Churchwardens of the Parish to take Care of and provide for the said Servant, until such Servant's Time, due by Law to the said Master or Owner, shall be expired, or until such Servant shall be so recovered, as to be sold for defraying the said Fees and Charges: And further, the said Court, from Time to Time, shall order the Charges of keeping the said Servant, to be levied upon the Goods and Chattels of the Master or Owner of the said Servant, by Distress.

Servants shall have Remedy for their Wages by Petition.

X. *AND be it also Enacted*, That all Servants, whether by Importation, Indenture, or Hire here, as well Feme Coverts, as Others, shall, in like Manner, as is provided, upon Complaints of Misusage, have their Petitions received in Court, for their Wages and Freedom, without the formal Process of an Action; and Proceedings, and Judgment, shall, in like Manner also, be had thereupon.

Negros, Mulattos, Indians, Jews, Moors, Mahometans, or other Infidels, and Persons marrying with any such, disabled from purchasing or keeping a Christian Servant.

XI. *AND for a further Christian Care and Usage of all Christian Servants, Be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That no Negros, Mulattos, or Indians, although Christians, or Jews, Moors, Mahometans, or other Infidels, shall, at any Time, purchase any Christian Servant, nor any other, except of their own Complexion, or such as are declared Slaves by this Act: And if any Negro, Mulatto, or Indian, Jew, Moor, Mahometan, or other Infidel, or such as are declared Slaves by this Act, shall, notwithstanding, purchase any Christian white Servant, the said Servant, shall, *ipso Facto*, become free and acquit from any Service then due, and shall be so held, deemed, and taken: And if any Person, having such Christian Servant, shall intermarry with any such Negro, Mulatto, or Indian, Jew, Moor, Mahometan, or other Infidel, every Christian white Servant of every such Person so intermarrying, shall, *ipso Facto*, become free and acquit from any Service then due to such Master or Mistress so intermarrying, as aforesaid.

Contracts made by Masters with their Servants, except approved in open Court, void; and the Property of Goods, &c. imported, or acquired by Servants, confirmed to them.

Sick Servants not to be discharged, upon Penalty of 10 l. if they become chargeable to the Parish.

XII. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That no Master or Owner of any Servant shall, during the Time of such Servant's Servitude, make any Bargain with his or her said Servant for further Service, or other Matter or Thing relating to Liberty, or Personal Profit, unless the same be made in the Presence, and with the Approbation, of the Court of that County where the Master or Owner resides: And if any Servants shall, at any Time, bring in Goods or Money, or during the Time of their Service, by Gift, or any other lawful Ways or Means, come to have any Goods or Money, they shall enjoy the Propriety thereof, and have the sole Use and Benefit thereof to themselves. And if any Servant shall happen to fall sick or lame, during the Time of Service, so that he or she becomes of little or no Use to his or her Master or Owner, but rather a Charge, the said Master or Owner shall not put away the said Servant, but shall maintain him or her, during the whole Time he or she was before obliged to serve, by Indenture, Custom, or Order of Court: And if any Master or Owner shall put away any such sick or lame Servant, upon Pretence of Freedom, and that Servant shall become chargeable to the Parish, the said Master or Owner shall forfeit and pay Ten Pounds current Money of Virginia, to the Churchwardens of the Parish where such Offence shall be committed, for the Use of the said

said Parish: To be recovered by Action of Debt, in any Court of Record in this Her Majesty's Colony and Dominion, in which no Effoin, Protection, or Wager of Law, shall be allowed.

A. D. 1705.

XIII. AND whereas there has been a good and laudable Custom of allowing Servants Corn and Cloaths for their present Support, upon their Freedom; but nothing in that Nature ever made certain, *Be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That there shall be paid and allowed to every imported Servant, not having Yearly Wages, at the Time of Service ended, by the Master or Owner of such Servant, *viz.* To every Male Servant, Ten Bushels of *Indian* Corn, Thirty Shillings in Money, or the Value thereof, in Goods, and One well fixed Musquet or Fuzee, of the Value of Twenty Shillings, at least: And to every Woman Servant, Fifteen Bushels of *Indian* Corn, and Forty Shillings in Money, or the Value thereof, in Goods: Which, upon Refusal, shall be ordered, with Costs, upon Petition to the County Court, in Manner as is herein before directed, for Servants Complaints to be heard.

Allowances due to Servants imported, (not upon Wages,) at the Expiration of their Time, to be paid by the Master, *viz.* To a Man, 10 Bushels Corn, 30s. in Money or Goods, & a Gun of 20 s. Value. To a Woman, 15 Bushels Corn, and 40 s. in Money or Goods. Recoverable, upon Petition to the Court.

XIV. AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That all Servants shall faithfully and obediently, all the whole Time of their Service, do all their Masters or Owners just and lawful Commands. And if any Servant shall resist the Master, or Mistress, or Overseer, or offer Violence to any of them, the said Servant shall, for every such Offence, be adjudged to serve his or her said Master or Owner, One whole Year after the Time, by Indenture, Custom, or former Order of Court, shall be expired.

Duty of Servants. Resistance or Violence offer'd to the Master, &c. punishable by 1 Year's Service.

XV. AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That no Person whatsoever shall buy, sell, or receive of, to, or from, any Servant, or Slave, any Coin or Commodity whatsoever, without the Leave, Licence, or Consent of the Master or Owner of the said Servant, or Slave: And if any Person shall, contrary hereunto, without the Leave or Licence aforesaid, deal with any Servant, or Slave, he or she so offending, shall be imprisoned One Calendar Month, without Bail or Mainprize; and then also, continue in Prison, until he or she shall find good Security, in the Sum of Ten Pounds current Money of *Virginia*, for the Good Behaviour for One Year following; wherein, a Second Offence shall be a Breach of the Bond, and moreover shall forfeit and pay Four Times the Value of the Things so bought, sold, or received, to the Master or Owner of such Servant, or Slave: To be recovered, with Costs, by Action upon the Case, in any Court of Record in this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, or other than One Imparlance, shall be allowed.

Persons trading or dealing with Servants or Slaves, without their Master's Licence, shall be imprisoned 1 Month without bail, bound to the Good Behaviour 1 Year, forfeit 10 l. and four Times the Value of the Goods bought sold, &c. and a 2d Offence shall be a Breach of the Behaviour.

XVI. PROVIDED always, and be it Enacted, That when any Person or Persons convict for dealing with a Servant, or Slave, contrary to this Act, shall not immediately give good and sufficient Security for his or her Good Behaviour, as aforesaid; then, in such Case, the Court shall order Thirty Nine Lashes, well laid on, upon the bare Back of such Offender, at the common Whipping-Post of the County; and the said Offender to be thence discharged of giving such Bond and Security.

Persons convicted, &c. failing to give Security for the Good Behaviour, shall receive 39 Lashes, &c.

XVII. AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared, That in all Cases of Penal Laws, whereby Persons free are punishable by Fine, Servants shall be punished by Whipping, after the Rate of Twenty Lashes for every Five Hundred Pounds of Tobacco, or Fifty Shillings current Money, unless the Servants so culpable, can and will procure some Person or Persons to pay the Fine; in which Case, the said Servant shall be adjudged to serve such Benefactor, after the Time by Indenture, Custom, or Order of Court, to his or her then present Master or Owner, shall

Servants guilty of Breach of Penal Laws shall be whipped in Lieu of paying the Fines at the Rate of 20 Lashes for 500 lb. Tob. or 50 s. unless Security be

A. D. 1705.
given for Payment of the Fine, &c.

Women Servants delivered of Bastards, shall, for each Offence, serve 1 Year, or pay 1000 lb. Tob. to the Master; and the reputed Father of such Child, shall, if a Freeman, give Security, &c. to indemnify the Parish, &c. & if a Servant, shall make Satisfaction to the Parish, by Service, &c. But if a Master gets his Servant with Child, he shall claim no Service thereby, and the Woman shall be sold for One Year, or pay 1000 lb. Tob. to the Use of the Parish.

Women Servants having Bastards by Negroes, &c. shall pay 15 l. current Money, or be sold for 5 Years, & the Child to be bound to Service, 'til 31 Years of Age.

Persons intermarrying with Negroes, or Mulattos, shall be imprisoned 6 Months, without Bail, and forfeit 10 l. current Money.

Ministers shall not marry white Persons with Negroes, or Mulattos.

shall be expired, after the Rate of One Month and a Half for every Hundred Pounds of Tobacco; any thing in this Act contained, to the contrary, in any-wise notwithstanding.

XVIII. AND if any Woman Servant shall be delivered of a Bastard Child within the Time of her Service aforesaid, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That in Recompence of the Loss and Trouble occasioned her Master or Mistress thereby, she shall, for every such Offence, serve her said Master or Owner One whole Year after her Time by Indenture, Custom, and former Order of Court, shall be expired; or pay her said Master or Owner, One Thousand Pounds of Tobacco; and the reputed Father, if Free, shall give Security to the Churchwardens of the Parish where that Child shall be, to maintain the Child, and keep the Parish indemnified; or be compelled thereto by Order of the County Court, upon the said Churchwardens Complaint: But if a Servant, he shall make Satisfaction to the Parish, for keeping the said Child, after his Time by Indenture, Custom, or Order of Court, to his then present Master or Owner, shall be expired, or be compelled thereto by Order of the County Court, upon Complaint of the Churchwardens of the said Parish for the Time being. And if any Woman Servant shall be got with Child by her Master, neither the said Master, nor his Executors, Administrators, nor Assigns, shall have any Claim of Service against her, for or by Reason of such Child; but she shall, when her Time due to her said Master, by Indenture, Custom, or Order of Court, shall be expired, be sold by the Churchwardens, for the Time being, of the Parish wherein such Child shall be born, for One Year, or pay One Thousand Pounds of Tobacco; and the said One Thousand Pounds of Tobacco, or whatever she shall be sold for, shall be employed, by the Vestry, to the Use of the said Parish. And if any Woman Servant shall have a Bastard Child by a Negro, or Mulatto, over and above the Year's Service due to her Master or Owner, she shall immediately, upon the Expiration of her Time to her then present Master or Owner, pay down to the Churchwardens of the Parish wherein such Child shall be born, for the Use of the said Parish, Fifteen Pounds current Money of *Virginia*, or be by them sold for Five Years, to the Use aforesaid: And if a free Christian White Woman shall have such Bastard Child, by a Negro, or Mulatto, for every such Offence, she shall, within One Month after her Delivery of such Bastard Child, pay to the Churchwardens for the Time being, of the Parish wherein such Child shall be born, for the Use of the said Parish, Fifteen Pounds current Money of *Virginia*, or be by them sold for Five Years, to the Use aforesaid: And in both the said Cases, the Churchwardens shall bind the said Child to be a Servant, until it shall be of Thirty One Years of Age.

XIX. AND for a further Prevention of that abominable Mixture and spurious Issue, which hereafter may increase in this Her Majesty's Colony and Dominion, as well by *English*, and other White Men and Women intermarrying with Negroes or Mulattos, as by their unlawful Coition with them, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That whatsoever *English*, or other White Man or Woman, being free, shall intermarry with a Negro or Mulatto Man or Woman, Bond or Free, shall, by Judgment of the County Court, be committed to Prison, and there remain, during the Space of Six Months, without Bail or Mainprize; and shall forfeit and pay Ten Pounds current Money of *Virginia*, to the Use of the Parish, as aforesaid.

XX. AND *be it further Enacted*, That no Minister of the Church of *England*, or other Minister, or Person whatsoever, within this Colony and Dominion, shall hereafter wittingly presume to marry a White Man with a Negro or Mulatto Woman; or to marry a White Woman with a Negro or Mulatto

Mulatto Man, upon Pain of forfeiting and paying, for every such Marriage, the Sum of Ten Thousand Pounds of Tobacco; One Half to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the Support of the Government, and the contingent Charges thereof; and the other Half to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

A. D. 1703.

On Penalty of 10000^l Tobacco.

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Persons hiring

King up town

way between

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to be kept by

Persons hiring

them after-

wards, &c.

Persons en-

tertaining Ser-

vants, without

such Certifi-

cate, forfeit

60^l Tob.

per Day, to

the Master.

Runaways

forging or

stealing Cer-

tificates, shall

make Repa-

ration by Ser-

vice; and be

pilloried Two

Hours. And

Persons forg-

ing a Certifi-

cate, shall

forfeit 10^l. or

39 Lashes, &c.

In case a

Runaway hi-

red upon a

forged Certi-

ficate, denies

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In case a

Runaway hi-

red upon a

forged Certi-

ficate, denies

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Runaway hi-

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A. D. 1705.

the Delivery,
 &c. the Onus
 Probandi shall
 lie upon the
 Party hiring.

Persons ta-
 king up runa-
 way Servants,
 or Slaves, shall
 have a Reward
 of 200lb. Tob.
 if taken up a-
 bove 10 Miles
 from the Mas-
 ter's House, or
 Quarter; or
 100lb. Tob. if
 above 5, and
 under 10 Miles.
 To be paid by
 the Public, &
 levied upon
 the Master,
 &c. but shall
 bring such
 Runaway be-
 fore a Justice
 of Peace, and
 obtain Certi-
 ficate, &c.

hiring, who, upon Failure therein, shall be liable to the Fines and Penalties, for entertaining runaway Servants, without Certificate.

XXIII. AND for Encouragement of all Persons to take up Runaways, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That for the Taking-up of every Servant, or Slave, if Ten Miles, or above, from the House or Quarter where such Servant, or Slave was kept, there shall be allowed by the Public, as a Reward to the Taker-up, Two Hundred Pounds of Tobacco; and if above Five Miles, and under Ten, One Hundred Pounds of Tobacco: Which said several Rewards of Two Hundred, and One Hundred Pounds of Tobacco, shall also be paid in the County where such Taker-up shall reside, and shall be again levied by the Public upon the Master or Owner of such Runaway, for Re-imbursement of the same to the Public. And for the greater Certainty in paying the said Rewards and Re-imbursement of the Public, every Justice of Peace before whom such Runaway shall be brought, upon the Taking-up, shall mention the Proper-Name and Sur-Name of the Taker-up, and the County of his or her Residence, together with the Time and Place of taking up the said Runaway; and shall also mention the Name of the said Runaway, and the Proper-Name and Sur-Name of the Master or Owner of such Runaway, and the County of his or her Residence, together with the Distance of Miles, in the said Justice's Judgment, from the Place of Taking-up the said Runaway, to the House or Quarter where such Runaway was kept.

This Clause
 repeal'd by
 Ch. 4. 1726.

XXIV. *PROVIDED,* That when any Negro, or other Runaway, that doth not speak *English*, and cannot, or through Obstinacy will not, declare the Name of his or her Master or Owner, that then it shall be sufficient for the said Justice to certify the same, instead of the Name of such Runaway, and the Proper-Name and Sur-Name of his or her Master or Owner, and the County of his or her Residence and Distance of Miles, as aforesaid; and in such Case, shall, by his Warrant, order the said Runaway to be conveyed to the Public Goal, of this Country, there to be continued Prisoner until the Master or Owner shall be known; who, upon paying the Charges of the Imprisonment, or giving Caution to the Prison-keeper for the same, together with the Reward of Two Hundred, or One Hundred Pounds of Tobacco, as the Case shall be, shall have the said Runaway restored.

Justice of
 Peace shall
 commit Run-
 aways to the
 next Consta-
 ble, to be con-
 veyed from
 Constable to
 Constable 'till
 delivered to
 the Master or
 Owner, or
 Goal-keeper,
 & to be whip-
 pt by every Con-
 stable, &c.

Duty of
 Constables.
 Penalty on
 Failure, 200lb.
 Tobacco.

XXV. AND further, the said Justice of the Peace, when such Runaway shall be brought before him, shall, by his Warrant, commit the said Runaway to the next Constable, and therein also order him to give the said Runaway so many Lashes as the said Justice shall think fit, not exceeding the Number of Thirty Nine; and then to be conveyed from Constable to Constable, until the said Runaway shall be carried Home, or to the Country Goal, as aforesaid, every Constable through whose Hands the said Runaway shall pass, giving a Receipt at the Delivery; and every Constable failing to execute such Warrant according to the Tenor thereof, or refusing to give such Receipt, shall forfeit and pay Two Hundred Pounds of Tobacco to the Churchwardens of the Parish wherein such Failure shall be, for the Use of the Poor of the said Parish: To be recovered, with Costs, by Action of Debt, in any Court of Record in this Her Majesty's Colony and Dominion, wherein no Essoin, Protection, or Wager of Law, shall be allowed. And such Corporal Punishment shall not deprive the Master or Owner of such Runaway of the other Satisfaction here in this Act appointed to be made upon such Servant's running away.

XXVI. PRO-

A. D. 1705.

Method for transporting Runaways cross the Bay of Chesapeak.

Sheriff's Fee, 500 lb. Tob.

Such Runaways getting up into the County shall be committed to a Constable, & deliver'd to the Sheriff.

Sheriffs, &c. suffering Runaways to work, forfeit 1000 lb. Tobacco to the Owner.

Officer liable upon an Escape.

Runaway Servants shall repay all Charges, &c. by Service, & double the Time of Absence.

County Courts to allow & order such Service.

But Runaways shall be brought before

XXVI. *PROVIDED*, always, and be it further Enacted, That when any Servant or Slave, in his or her running away, shall have crossed the Great Bay of *Chesapeak*, and shall be brought before a Justice of the Peace, the said Justice shall, instead of committing such Runaway to the Constable, commit him or her to the Sheriff, who is hereby required to receive every such Runaway, according to such Warrant, and to cause him, her, or them, to be transported again cross the Bay, and delivered to a Constable there; and shall have, for all his Trouble and Charge herein, for every such Servant or Slave, Five Hundred Pounds of Tobacco, paid by the Public; which shall be reimbursed again by the Master or Owner of such Runaway, as aforesaid, in Manner aforesaid.

XXVII. *PROVIDED* also, That when any Runaway Servant that shall have crossed the said Bay, shall get up into the Country, in any County distant from the Bay, that then, in such Case, the said Runaway shall be committed to a Constable, to be conveyed from Constable to Constable, until he shall be brought to a Sheriff of some County adjoining to the said Bay of *Chesapeak*; which Sheriff is also hereby required, upon such Warrant, to receive such Runaway, under the Rules and Conditions aforesaid, and cause him or her to be conveyed, as aforesaid; and shall have the Reward, as aforesaid.

XXVIII. *AND* for the better preventing of Delays in returning of such Runaways, *Be it Enacted*, That if any Sheriff, Under-Sheriff, or other Officer of, or belonging to the Sheriff, shall cause or suffer any such Runaway (so committed for Passage over the Bay) to work, the said Sheriff, to whom such Runaway shall be so committed, shall forfeit and pay to the Master or Owner of every such Servant or Slave, so put to Work, One Thousand Pounds of Tobacco: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Her Majesty's Colony and Dominion, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

XXIX. *AND* be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Constable, or Sheriff, into whose Hands a Runaway Servant or Slave shall be committed, by Virtue of this Act, shall suffer such Runaway to escape, the said Constable, or Sheriff shall be liable to the Action of the Party grieved, for Recovery of his Damages, at the Common Law, with Costs.

XXX. *AND* also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That every Runaway Servant, upon whose Account, either of the Rewards afore-mentioned shall be paid, for Taking up, shall, for every Hundred Pounds of Tobacco so paid by the Master or Owner, serve his or her said Master or Owner, after his or her Time by Indenture, Custom, or former Order of Court, shall be expired, One Calendar Month and an Half; and moreover, shall serve double the Time such Servant shall be absent in such running away; and shall also make Reparation, by Service, to the said Master or Owner, for all necessary Disbursements and Charges, in Pursuit and Recovery of the said Runaway; to be adjudged and allowed in the County Court, after the Rate of One Year for Eight Hundred Pounds of Tobacco, and so proportionably for a greater or lesser Quantity.

XXXI. *PROVIDED*, That the Masters or Owners of such Runaways, shall carry them to Court the next Court held for the said County, after the Recovery

A. D. 1705.

fore the Court
held next af-
ter their be-
ing retaken.

Vid. Ch. 4.
1723.

Masters or
Overseers per-
mitting any
Slaves but
their own, to
continue upon
the Plantation
above 4 Hours,
forfeit 150 lb.
Tobacco.

Runaway
Servants pay-
ing or tend-
ring Security
for the Char-
ges of Reco-
very, &c.
shall not be
compell'd to
further Ser-
vice.

Persons
killing their
Slaves under
Correction,
acquitted
from Prosecu-
tion. But Ne-
gros, Mulat-
tos, or Indians,
lifting their
Hands in Op-
position a-
gainst a Chris-
tian, not being
a Negro, &c.
shall receive
30 Lashes.

Slaves arm'd
with Gun,
Sword, &c. or
going off their
Owners Land,
without
Leave, may be
whipt, and
sent home.

Horses, &c.
belonging to
Slaves, may be
seised & sold
by Church-
wardens.

Owners of
Slaves living
at a Quarter,
without an
Overseer, li-
able for Tres-
pafs, &c.

Baptism of
Slaves, don't
exempt them
from Bond-
age: And
Children shall
be Bond or
Free, accord-
ing to their
Mothers Con-
dition.

Recovery of such Runaway, otherwise it shall be in the Breast of the Court to consider the Occasion of Delay, and to hear, or refuse the Claim, according to their Discretion, without Appeal, for the Refusal.

XXXII. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That no Master, Mistress, or Overseer of a Family, shall knowingly permit any Slave, not belonging to him or her, to be and remain upon his or her Plantation, above Four Hours at any One Time, without the Leave of such Slave's Master, Mistress, or Overseer, on Penalty of One Hundred and Fifty Pounds of Tobacco to the Informer; cognizable by a Justice of the Peace of the County wherein such Offence shall be committed.

XXXIII. *PROVIDED also,* That if any Runaway Servant, adjudged to serve for the Charges of his or her Pursuit and Recovery, shall, at the Time, he or she is so adjudged, repay and satisfy, or give good Security before the Court, for Repayment and Satisfaction of the same, to his or her Master or Owner, within Six Months after, such Master or Owner shall be obliged to accept thereof, in Lieu of the Service given and allowed for such Charges and Disbursements.

XXXIV. *AND* if any Slave resist his Master, or Owner, or other Person, by his or her Order, correcting such Slave, and shall happen to be killed in such Correction, it shall not be accounted Felony; but the Master, Owner, and every such other Person so giving Correction, shall be free and acquit of all Punishment and Accusation for the same, as if such Accident had never happened: And also, if any Negro, Mulatto, or *Indian*, Bond or Free, shall at any Time, lift his or her Hand, in Opposition against any Christian, not being Negro, Mulatto, or *Indian*, he or she so offending, shall, for every such Offence, proved by the Oath of the Party, receive on his or her bare Back, Thirty Lashes, well laid on; cognizable by a Justice of the Peace for that County wherein such Offence shall be committed.

XXXV. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That no Slave go armed with Gun, Sword, Club, Staff, or other Weapon, nor go from off the Plantation and Seat of Land where such Slave shall be appointed to live, without a Certificate of Leave in Writing, for so doing, from his or her Master, Mistress, or Overseer: And if any Slave shall be found offending herein, it shall be lawful for any Person or Persons to apprehend and deliver such Slave to the next Constable or Headborough, who is hereby enjoined and required, without further Order or Warrant, to give such Slave Twenty Lashes on his or her bare Back, well laid on, and to send him or her Home: And all Horses, Cattle, and Hogs, now belonging, or that hereafter shall belong to any Slave, or of any Slave's Mark in this Her Majesty's Colony and Dominion, shall be seised and sold by the Churchwardens of the Parish, wherein such Horses, Cattle, or Hogs shall be, and the Profit thereof applied to the Use of the Poor of the said Parish: And also, if any Damage shall be hereafter committed by any Slave living at a Quarter where there is no Christian Overseer, the Master or Owner of such Slave shall be liable to Action for the Trespass and Damage, as if the same had been done by him or herself.

XXXVI. *AND also it is hereby Enacted and Declared,* That Baptism of Slaves doth not exempt them from Bondage; and that all Children shall be Bond or Free, according to the Condition of their Mothers, and the particular Directions of this Act.

XXXVII. *AND*

XXXVII. AND whereas, many Times, Slaves run away and lie out, hid and lurking in Swamps, Woods, and other obscure Places, killing Hogs, and committing other Injuries to the Inhabitants of this Her Majesty's Colony and Dominion, *Be it therefore Enacted, by the Authority aforesaid, and it is hereby Enacted,* That in all such Cases, upon Intelligence given of any Slaves lying out, as aforesaid, any Two Justices (*Quorum unus*) of the Peace of the County wherein such Slave is supposed to lurk or do Mischief, shall be and are empowered and required to issue Proclamation against all such Slaves, reciting their Names, and Owners Names, if they are known, and thereby requiring them, and every of them, forthwith to surrender themselves; and also empowering the Sheriff of the said County, to take such Power with him, as he shall think fit and necessary, for the effectual apprehending such out-lying Slave or Slaves, and go in Search of them: Which Proclamation shall be published on a Sabbath Day, at the Door of every Church and Chapel in the said County, by the Parish Clerk, or Reader of the Church, immediately after Divine Worship: And in case any Slave, against whom Proclamation hath been thus issued, and once published at any Church or Chapel, as aforesaid, stay out, and do not immediately return home, it shall be lawful for any Person or Persons whatsoever, to kill and destroy such Slaves by such Ways and Means as he, she, or they shall think fit, without Accusation or Impeachment of any Crime for the same: And if any Slave, that hath run away and lain out as aforesaid, shall be apprehended by the Sheriff, or any other Person, upon the Application of the Owner of the said Slave, it shall and may be lawful for the County Court, to order such Punishment to the said Slave, either by dismembring, or any other Way, not touching his Life, as they in their Discretion shall think fit, for the reclaiming any such incorrigible Slave, and terrifying others from the like Practices.

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2 Justices of Peace (*Quorum unus*) may issue Proclamation against out-lying Slaves, to be published on a Sunday, at each Church or Chapel in the County, &c. & Slaves not returning home after such Publication, may be kill'd, &c.

But being apprehended by the Sheriff, &c. may be punish'd by Dismembring, &c.

XXXVIII. *PROVIDED* always, and it is further Enacted, That for every Slave killed, in Pursuance of this Act, or put to Death by Law, the Master or Owner of such Slave shall be paid by the Public:

Value of Slaves kill'd, in Pursuance of this Act, or executed by Law, shall be paid to the Owner, by the Public.

XXXIX. AND to the End, the true Value of every Slave killed, or put to Death, as aforesaid, may be the better known; and by that Means, the Assembly the better enabled to make a suitable Allowance thereupon, *Be it Enacted,* That upon Application of the Master or Owner of any such Slave, to the Court appointed for Proof of Public Claims, the said Court shall value the Slave in Money, and the Clerk of the Court shall return a Certificate thereof to the Assembly, with the rest of the Public Claims.

Courts of Claims to value Slaves executed; &c. in Money, and the Clerk to return Certificates of such Valuation to the Assembly.

XL. AND for the better putting this Act in due Execution, and that no Servants or Slaves may have Pretence of Ignorance hereof, *Be it also Enacted,* That the Churchwardens of each Parish in this Her Majesty's Colony and Dominion, at the Charge of the Parish, shall provide a true Copy of this Act, and cause Entry thereof to be made in the Register-Book of each Parish respectively; and that the Parish Clerk, or Reader of each Parish, shall, on the first Sermon *Sundays* in *September* and *March*, Annually, after Sermon or Divine Service is ended, at the Door of every Church and Chapel in their Parish, publish the same; and the Sheriff of each County shall, at the next Court held for the County, after the last Day of *February*, Yearly, publish this Act, at the Door of the Court-house: And every Sheriff making Default herein, shall forfeit and pay Six Hundred Pounds of Tobacco; One Half to Her Majesty, her Heirs and Successors, for and towards the Support of the Government; and the other Half to the Informer. And every Parish Clerk, or Reader, making Default herein, shall, for each Time so offending, forfeit

This Act shall be enter'd in the Register-Books of each Parish, & read in Churches, &c. by the Clerk, or Reader, the First *Sundays* in *September* and *March*, Annually, and at Court-houses, by the Sheriff, in *March*, Penalty on Sheriffs failing, 600 lb. Tob. and the same

A. D. 1705.
on Parish
Clerks, or
Readers.

and pay Six Hundred Pounds of Tobacco; One Half whereof to be to the Informer; and the other Half to the Poor of the Parish, wherein such Omif-
fion shall be: To be recovered, with Costs, by Action of Debt, Bill, Plaint,
or Information, in any Court of Record in this Her Majesty's Colony and
Dominion, wherein no Effoin, Protection, or Wager of Law, shall be al-
lowed.

All former
Laws relating
to Servants
and Slaves
repealed.

XLI. AND be it further Enacted, That all and every other Act and
Acts, and every Clause and Article thereof, heretofore made, for so much
thereof as relates to Servants and Slaves, or to any other Matter or
Thing whatsoever, within the Purview of this Act, is and are hereby Re-
pealed, and made void, to all Intents and Purposes, as if the same had
never been made.

CHAP. L.

An Act to prevent killing Deer at unseasonable Times.

Killing Deer,
and buying or
receiving
Deer killed,
between 1st Ja-
nuary and 31st
August, Annu-
ally, prohibi-
ted, on Pen-
alty of 500 lb.
Tobacco.

I. FOR the Prevention of killing Deer at unseasonable Times, *Be it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That it shall not be lawful to kill or destroy any Deer running wild in the Woods, or unfenced Grounds of this Colony and Dominion, by Gun, or any other Ways or Means whatsoever, between the First Day of January in each Year, and Last Day of August succeeding; or to buy or receive of any Indian, or other Person whatsoever, any Deer killed or destroyed within the Times aforesaid: And if any Person, not being a Servant or Slave, shall kill or destroy any Deer, contrary to this Act, or shall buy or receive of any Indian, or other Person whatsoever, any Deer killed or destroyed, contrary to this Act, and be thereof lawfully convicted, the said Person, for every Deer so killed or destroyed, or bought or received, as aforesaid, shall forfeit and pay the Sum of Five Hundred Pounds of Tobacco.

Masters of
Servants or
Slaves killing
Deer, &c. by
their Order,
contrary to
this Act, li-
able for the
Penalty.

II. AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Servant or Slave, by Order or Command of his or her Master, Mistress, or Overseer, shall kill or destroy, or buy or receive any Deer, contrary to this Act, the Master, Mistress, or Overseer giving such Order or Command, being thereof lawfully convicted, for every Deer so killed or destroyed, or bought or received, as aforesaid, shall forfeit and pay the aforesaid Penalty of Five Hundred Pounds of Tobacco, as if the said Master, Mistress, or Overseer, had actually committed the Offence.

But Servants
or Slaves con-
vict of the
Breach of this
Act, & having
no Order from
the Master,
&c. shall be
whipt.

III. AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Servant or Slave, of his or her own Accord, without any Order or Command from his or her Master, Mistress, or Overseer, shall kill or destroy, or buy or receive any Deer, contrary to this Act, and be thereof convicted, by the Oath of One credible Witness before a Justice of the Peace of the County wherein the Offence is committed, for every Deer so killed or destroyed, or bought or received, as aforesaid, the said Servant or Slave shall have and receive, on his or her bare Back, Thirty Lashes well laid on, to be inflicted by Order of the Justice, before whom the Conviction shall be; unless some sufficient Person will become

become bound to pay for the said Servant or Slave, the Sum of Five Hundred Pounds of Tobacco, within Six Months, in Lieu of the Punishment aforesaid, to the Churchwardens of the Parish where the Offence is committed, for the Uses directed by this Act.

IV. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That One Moiety of the Forfeitures of this Act, shall be to the Churchwardens of the Parish where the Offence is committed, for the Use of the Parish; and the Other Moiety to the Informer: To be recovered, with Costs, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

Penalties appropriated.

V. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to killing Deer, or any other Matter or Thing, within the Purview of this Act, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to killing Deer, repealed.

CHAP. LI.

An Act to explain Part of an Act of this present Session of Assembly, intituled, An Act, Directing the Manner of levying Executions; and for the Relief of poor Prisoners for Debt.
R E P.

Repealed, Ch. 3. 1726.

CHAP. LII.

An Act for Prevention of Misunderstandings between the Tributary Indians, and other Her Majesty's Subjects of this Colony and Dominion; and for a free and open Trade with all Indians whatsoever.

I. **F**OR Prevention of all Manner of Animosities, Jealousies, Fears, Misunderstandings, and Differences whatsoever, between the Tributary Indians, and other Her Majesty's Subjects of this Colony and Dominion, as also the several Revenges and Mischiefs which may thereupon be sought after and ensue,

Vid. Ch. 12. 1663, & C. 8. 1665, printed at large, tho' several Parts of those Acts are repealed: But the Reason was, that the repealing Clause in this Act, extends to the Laws concerning the Tributary Indians only; & those Laws concern all Indians whatsoever.

II. *BE it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That it shall not be lawful for an Indian King, or any other of the said Tributary Indians whatsoever, to bargain and sell, or demise to any Person or Persons, other than to some of their own Nation, or their Posterity in Fee, for Life, or for Years, the Lands laid out and appropriated for the Use of the said Indians, or any Part or Parcel thereof; or to bargain and sell, as aforesaid, any other Land whatsoever, now actually possessed, or justly claimed and

Tributary Indians disabled from conveying, &c. in Fee, for Life, or for Years, any Lands held or claimed by them.

A. D. 1702. and pretended to by the said *Indians*, or any of them, by Virtue of the Articles of Peace made and concluded with the said *Indians*, the Twenty Ninth Day of May, One Thousand Six Hundred Seventy Seven; or by Virtue of any other Right or Title whatsoever; and that every Bargain, Sale, or Demise hereafter made, contrary to this Act, as aforesaid, shall be and is hereby declared to be null and void, to all Intents, Constructions, and Purposes whatsoever.

Persons taking Conveyances or Leases of Indian Lands, Tenements, &c. or occupying such Lands, forfeit 10s. per Acre.

III. *AND* be it further Enacted, by the Authority aforesaid, That if any Person or Persons (other than the *Indians*, and their Posterity) shall, from and after the Publication of this Act, presume to purchase, or obtain any Deed or Conveyance in Fee, or any Lease for Years, from any of the Tributary *Indians*, of any Lands, Tenements, or Hereditaments laid out or appropriated, or now actually possessed, or justly claimed and pretended to, by the said *Indians*; or shall occupy or tend any of the said Lands, by Permission of the said *Indians*, or otherwise, every Person or Persons so offending, and being thereof lawfully convicted, in any Court of Record within this Colony, shall forfeit and pay the Sum of Ten Shillings current Money, for every Acre of Land so purchased, leased, or occupied: And for every Year, during the Continuance of the Possession, or Occupation of any Lands, by Virtue of such Purchase or Lease, the Person or Persons so offending, shall forfeit and pay the Sum of Ten Shillings current Money for every Acre of Land so possessed or occupied, as aforesaid; One Moiety of which said Forfeitures shall be to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Colony and Dominion, and the contingent Charges thereof; and the other Moiety to the Informer: To be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Saving the Claims of George Shilling, Michael Waldrop, and the Heir of George Southerland.

IV. *PROVIDED* nevertheless, That it shall and may be lawful for the General Court of this Dominion, to receive and examine the several Claims of George Shilling, to Three Hundred Acres of Land; of Michael Waldrop, to Ninety Acres of Land; and of the Heir of George Southerland, deceased, to Two Hundred Acres of Land: All which Lands are said to be Part of the Lands laid out for the *Pamunkey Indians*; and if it shall appear to the said Court, that the said Persons, or any of them, have as equitable Pretensions to the said Lands, as those Persons had, who have already obtained Patents for other Part of the Land laid out for the said *Indians*, then it shall be lawful for the Governor, or Commander in Chief of this Dominion, for the Time being, by and with the Advice and Consent of the Council, to grant Patents to the several Persons before named, (or so many of them as make the Equity of their Pretensions appear) for the said several Quantities of Land by them claimed respectively, if there shall be so much contained within their Bounds, but not for any greater Quantity, although their Bounds contain the same.

Explanation of a Clause in the Articles of Peace, concluded May 29, Anno 1677.

V. *AND* to the End, no different Constructions may be made concerning the Sense and Meaning of a certain Clause contained in the aforesaid Articles of Peace, in these Words, 'It is hereby concluded and established, that no *English* shall seat or plant, nearer than Three Miles of any *Indian Town*,'

Bounds of Indian Towns, seated on Navigable Rivers, limited by the River.

VI. *BE* it Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared, That where an *Indian Town* is seated, on or near a Navigable River, and the *English* have already seated and planted within Three Miles of the said Town, on the opposite Side of the River, the said Clause shall not be construed, deemed, or taken, to give the said *Indian Town* any Privilege on

on the said opposite Side: But in such a Case, the Privilege of the said *Indian* Town, shall be limited by the River.

A. D. 1705.

VII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the *Indians* Tributary to this Government, shall be well secured and defended in their Persons, Goods, and Properties; and that whosoever shall defraud, or take from them, their Goods, or do Hurt or Injury to their Persons, shall make Satisfaction, and be punished for the same, according to Law, as if the *Indian* Sufferer had been an *Englishman*.

Tributary
Indians pro-
tected by Law
equally with
English Sub-
jects.

VIII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the *Indians* Tributary to this Government, shall have and enjoy their wonted Conveniences of Oistering and Fishing, and of Gathering, on the Lands belonging to the *English*, Tuckahoe, Cuttenemons, Wild Oats, Rushes, Puckoon, or other Things, not useful to the *English*, upon a Licence first had from a Justice of the Peace of the County where they come for those Purposes: And if any *Englishman* take from any of the said *Indians*, any Goods, or kill, wound, or maim any One of them, as they come in, whilst they tarry, or as they return, he shall be punished, and suffer, as if he had done the same Thing to an *Englishman*.

Shall have
Liberty of
Oistering,
Fishing, &c.
by Licence
from a Justice
of Peace.

IX. *PROVIDED* always, and it is hereby meant and intended, That the said *Indians* shall not bring with them any Guns, Ammunition, or offensive Weapons, but Tools only for their Use; that they shall not presume to oister, fish, and gather Tuckahoe, or other Things, as aforesaid, without a Licence first had from a Justice of Peace, as aforesaid; that the Justice, in his Licence, shall limit the Time of the *Indians* Stay; and that it shall not be lawful for the *Indians* to tarry beyond the Time limited.

But shall not
carry offen-
sive Arms, &c.
nor fish, &c.
without Li-
cence, where-
in their Time
of Stay shall
be limited.

X. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all *Indian* Kings and Queens Tributary to this Government, having the least Notice of a March of strange *Indians* near the *English* Quarters or Plantations, shall forthwith repair, or at least send One of their Great Men to the next Militia Officer, to acquaint him what they know of their Nation, Number, and Design, and which Way they bend their Course; and if the Tributary *Indians* then desire any Aid against the strange *Indians*, the Colonel of the Militia in those Parts, shall forthwith send out a convenient Party of the said Militia to join with them for their better Defence and Security on that Occasion.

Shall give
Notice of any
Approach of
Foreign In-
dians to the
next Militia
Officer; and
if they desire
Aid, Parties of
Militia may
be raised, and
sent out with
them.

XI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all *Indians* Tributary to, and under the Protection of this Government, shall march, with the *English*, in Pursuit of Foreign *Indians*, whensoever they are thereunto commanded, and shall continue with the *English* in the said Pursuit, as the Occasion requires.

Shall march
and continue
with the Eng-
lish, when
commanded.

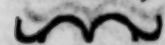
XII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That there be a free and open Trade for all Persons, at all Times, and at all Places, with all *Indians* whatsoever.

Free Trade
with all In-
dians.

XIII. *PROVIDED* always, and be it Enacted, by the Authority aforesaid, That if any Person or Persons shall, after the Publication of this Act, sell, or offer to Sale, any Rum, or Brandy, within any Town of the Tributary *Indians*, or to any *Indian*, upon any Land belonging to any such Town; every such Person or Persons so offending, and being thereof lawfully convicted before any Justice of the Peace of the County where the Offence shall

Sale of Rum;
or Brandy,
prohibited in
Indian Towns
or upon their
Lands, on Pe-
nalty of 10s.
per Quart.

A. D. 1705.



shall be committed, shall forfeit and pay Ten Shillings current Money, for every Quart of Rum, or Brandy sold, or offered to Sale, as aforesaid, and so proportionably for a greater or lesser Quantity; One Moiety of which Fines shall be to Her Majesty, her Heirs and Successors, for and towards the Support of the Government of this Colony, and the contingent Charges thereof; and the other Moiety to the Informer.

Governor may, by Charter, incorporate Discoverers of Indians situate Westward of the Mountains, with sole Liberty of Trading for 14 Years, &c.

XIV. *PROVIDED* nevertheless, and be it Enacted, That if any Person or Persons shall hereafter, at his or their own Charge, make Discovery of any Town or Nation of *Indians*, situate or inhabiting to the Westward of, or between the *Appalatian* Mountains; in such Case, it shall be lawful to and for the Governor, or Commander in Chief of this Dominion, for the Time being, by and with the Advice and Consent of Her Majesty's Council of State, by Charter or Grant, under the Seal of the Colony, to grant unto such Person or Persons so discovering, as aforesaid, and to their Executors, Administrators, and Assigns, for the Space of Fourteen Years then next coming, the sole Liberty and Right of Trading to and with all and every such Town or Towns, Nation or Nations of *Indians* so discovered as aforesaid, with such Clauses or Articles of Restraint or Prohibition of all other Persons from the said Trade, and under such Penalties and Forfeitures as shall be thought convenient: Which said Charter or Grant is hereby Enacted and Declared to be good and valid in Law, to the Intents and Purposes therein mentioned; and all and every Clause and Article thereof shall be observed, fulfilled, and obeyed, under the Penalties and Forfeitures therein to be contained: And if Occasion shall so require, the said Governor, or Commander in Chief, with the Advice and Consent of the Council, as aforesaid, is hereby empowered, by such Charter or Grant, as aforesaid, to make and constitute such Discoverers, and such other Persons as they shall desire, to be One Body Corporate and Politic, by such Name, in such Manner, and with such Liberties and Privileges as shall appear to be necessary, for the better enabling them to make the most Benefit and Advantage of the said Trade, exclusive of all other Persons; any Thing in this Act contained to the contrary, or seeming to the contrary, in any-wise, notwithstanding.

All former Laws relating to *Indians*, repealed, except an Act pass'd in 1705, concerning the *Nansiattico*, and other *Indians*.

XV. *AND* be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the Tributary *Indians*; or to a free and open Trade with all *Indians*; or any other Matter or Thing whatsoever, within the Purview of this Act, except One Act made at a General Assembly, held by Prorogation, the Eighteenth Day of *April*, One Thousand Seven Hundred and Five, intituled, *An Act concerning the Nansiattico, and other Indians*, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. LIII.

An Act for the Regulation and Settlement of Ferries; and for Dispatch of Public Expresses.

Preamble.

I. **W**HEREAS a good Regulation of Ferries in this Her Majesty's Colony and Dominion will prove very useful for the Dispatch of Public Affairs, and for the Ease and Benefit of Travellers, and Men in Business,

II. *BE*

A. D. 1705.

Places appointed where
Public Ferries
shall be kept,
and the Rates
of Ferriage.

IT BE it therefore Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That Ferries be constantly kept at the Places hereafter named; and that the Rates for passing the said Ferries be as followeth, viz.

On James River.

IN Henrico County, at Varina, the Price for a Man Three Pence Three Farthings, for a Man and Horse Seven Pence Halfpenny.

AT Bermuda Hundred, the Price for a Man Six Pence, for a Man and Horse One Shilling.

IN Charles-City County, at Westover, the Price for a Man Seven Pence Halfpenny, for a Man and Horse Fifteen Pence.

IN Appamatoke River, at the usual Place, near Colonel Byrd's Store, the Price for a Man Three Pence Three Farthings, for a Man and Horse Seven Pence Halfpenny.

IN Prince George County, at Coggan's Point, and Maycock's, the Price the same as at Westover.

FROM Powhatan Town to the Landing at Swineherd's, the Price for Man Seven Pence Halfpenny, for a Man and Horse Fifteen Pence: And then from the Sicamore Landing by Windmil Point to the Widow Jones's Landing at Wyanoke, the same Price as from Powhatan.

IN Surry County, from Hog-Island to Archer's Hope, so long as the Ferry-keeper will, at his own Charge, keep a sufficient Bridge over Hog-Island Creek, and upon Failure thereof, from Hog-Island Main, to the End, the said Bridge may never become a County Charge, the Price for a Man Fifteen Pence, for a Man and Horse Two Shillings and Six Pence.

AT the Mouth of Upper Chipoke's Creek, over to the Row, or Martin's Brandon, the Price for a Man Six Pence, for a Man and Horse One Shilling.

FROM Swan's Point to James Town, the Price for a Man Seven Pence Halfpenny, for a Man and Horse Fifteen Pence.

FROM Crouche's Creek to James Town, the Price for a Man One Shilling, for a Man and Horse Two Shillings.

IN James-City County, at James Town, the Price, to Swan's Point, for a Man Seven Pence Halfpenny, for a Man and Horse Fifteen Pence.

FROM James Town to Crouche's Creek, for a Man One Shilling, for a Man and Horse Two Shillings.

AT Williamsburg, from Princess Anne Port to Hog Island, for a Man Two Shillings and Six Pence, for a Man and Horse Four Shillings.

AT Chickahominy, at the usual Place, on each Side the River, the Price for a Man Six Pence, for a Man and Horse One Shilling.

G g

FROM

A. D. 1705.

Places up
pointed where
Public Ferries
shall be kept,
and the Rates
of Passage.

FROM *John Goddale's* to *Williams's Neck*, or *Drummond's Neck*, for a Man Three Pence Three Farthings, for a Man and Horse Seven Pence Halfpenny.

IN *Nansemond County*, from *Coiesfield's Point* to *Robert Peale's*, near *Sleepy Hole*, the Price for a Man Six Pence, for a Man and Horse One Shilling.

IN *Elizabeth-City County*, at *Hampton Town*, from the Town Point to *Brookes's Point*, the Price for a Man Three Pence, for a Man and Horse Six Pence.

FROM *Hampton Town* to *Sewell's Point*, the Price for a Man Three Shillings, and for a Man and Horse Six Shillings.

IN *Norfolk County*, from *Norfolk Town* to *Sawyer's Point*, or *Lover's Plantation*, the Price for a Man Six Pence, for a Man and Horse One Shilling.

Upon *York River*.

IN *New-Kent*, from *Robert Peaseley's* to *Philip Williams's*, the Price for a Man Six Pence, for a Man and Horse One Shilling.

FROM the *Brick House* to *West Point*, the Price for a Man One Shilling, for a Man and Horse Eighteen Pence.

FROM the *Brick House* to *Graves's*, the Price for a Man One Shilling, for a Man and Horse Two and Twenty Pence Halfpenny.

IN *King William County*, from *Spencer's*, over to the usual Landing Place, the Price for a Man Six Pence, for a Man and Horse One Shilling.

FROM *Thomas Cranshaw's* to the usual Landing Place, the Price for a Man Three Pence, for a Man and Horse Six Pence.

FROM *Philip Williams's* to *Peaseley's Point*, the Price for a Man Six Pence, for a Man and Horse One Shilling.

FROM *West Point* to the *Brick House*, the Price for a Man One Shilling, for a Man and Horse Eighteen Pence.

FROM *Abbot's Landing*, over *Mattapony River*, the Price for a Man Three Pence, for a Man and Horse Six Pence.

FROM *West Point* to *Graves's*, the Price for a Man Six Pence, for a Man and Horse One Shilling.

IN *York County*, from *York Town* to *Tindal's Point*, the Price for a Man Seven Pence Halfpenny, for a Man and Horse Fifteen Pence.

FROM *Queen Mary's Port* at *Williamsburg* to *Claybank Creek*, in *Glocester County*, the Price for a Man Two Shillings and Six Pence.

FROM

A. D. 1705.

FROM Captain *Matthews's* to *Capabosack*, the Price for a Man Fifteen Pence, for a Man and Horse Two Shillings and Six Pence.

IN *Glocester* County, from *Tindal's* Point to *York Town*, the Price for a Man Seven Pence Halfpenny, for a Man and Horse Fifteen Pence.

FROM *Capabosack* to Captain *Matthews's* Landing, or *Scimmino* Creek, the Price for a Man Fifteen Pence, for a Man and Horse Two Shillings and Six Pence.

FROM *Bailey's*, over *Peankatank*, the Price for a Man Six Pence, for a Man and Horse One Shilling.

IN *King* and *Queen* County, from *Graves's* to *West Point*, the Price for a Man Six Pence, for a Man and Horse One Shilling.

FROM *Graves's* to the *Brick House*, the Price for a Man One Shilling, for a Man and Horse Two and Twenty Pence Halfpenny.

FROM *Burford's* to old *Talbot's*, the Price for a Man Six Pence, for a Man and Horse One Shilling.

FROM Captain *Walker's* Mill Landing, the Price for a Man Three Pence, for a Man and Horse Six Pence.

IN *Middlesex* County, over *Peankatank*, at *Turk's* Ferry, the usual Place, the Price for a Man Three Pence, for a Man and Horse Six Pence.

On *Rappahanock* River.

IN *Middlesex* County, from *Shelton's* to *Mattrom Wright's*, the Price for a Man Two Shillings, for a Man and Horse Four Shillings.

FROM *Brandon* to *Chowning's* Point, the Price for a Man Two Shillings, for a Man and Horse Four Shillings.

IN *Essex* County, over *Rappahanock*, from the Land of *Daniel Henry* to *William Pannell's*, the Price for a Man Six Pence, for a Man and Horse One Shilling.

FROM *Bowler's*, at the usual Place, to *Sucket's* Point, the Price for a Man Fifteen Pence, for a Man and Horse Two Shillings and Six Pence.

FROM *Tappahanock* Town, over *Rappahanock* River, to *Webley Pavies*, or to *Rappahanock* Creek; on either Side thereof, the Price for a Man Fifteen Pence, for a Man and Horse Two Shillings and Six Pence.

FROM *Henry Long's*, over *Rappahanock* River, to the usual Place, the Price for a Man Six Pence, for a Man and Horse One Shilling.

IN *Richmond* County, from *William Pannell's*, over *Rappahanock* River, the Price for a Man Six Pence, for a Man and Horse One Shilling.

FROM *Sucket's* Point to *Bowler's*, the Price for a Man Fifteen Pence, for a Man and Horse Two Shillings and Six Pence.

A.D. 1705.



IN Stafford County, from Colonel *William Fitzhugh's* Landing, in *Potomack* River, over to *Maryland*, the Price for a Man Two Shillings and Six Pence, for a Man and Horse Five Shillings.

FROM the Port of *Northampton* to the Port of *York*, the Price for a Man Fifteen Shillings, for a Man and Horse Thirty Shillings.

FROM the Port of *Northampton* to the Port of *Hampton*, the Price for a Man Fifteen Shillings, for a Man and Horse Thirty Shillings.

County
Courts may
appoint Fer-
ries at any op-
posite Land-
ings, to answer
those settled
by this Act.

And have
Power to li-
cence and ap-
point Ferry-
keepers and
Boats, &c.

III. AND be it further Enacted, That where a Ferry is appointed by this Act, on one Side of the River, and none on the other to answer the same, it shall and may be lawful for the County Courts, in such a Case, to appoint an opposite Ferry, and to order and allow the Prices directed by this Act.

IV. AND for the more orderly and better keeping the said Ferries, *Be it Enacted*, That the Court of each County, wherein any Ferry is or shall be appointed, by Virtue of this Act, shall have, and hereby hath full Power and Authority of licensing, allowing, and appointing the Ferry-keeper, and of ordering and directing what Boat or Boats and Hands shall be kept there; and also, upon Neglect or Omission in the good and orderly keeping thereof, of discharging and turning out that Ferry-keeper, and putting another in the Place.

But shall
take Bond &
Security.

V. PROVIDED always, That the said Court, upon appointing any Person to keep Ferry, do take Bond, with One sufficient Surety, in the Sum of Twenty Pounds *Sterling*, payable to Her Majesty, for the constant and well keeping the same with Boats and Hands, according to the Directions of the said Court; and also for the giving Passages without Delay to such public Messages and Expresses, as shall be mentioned by this Act, to be Ferry free.

The Men at-
tending in
Ferry-Boats,
free of Public
and County
Levies, and
from all Pub-
lic Services.

No Fee for
Ferry Licen-
ces, and only
half the Go-
vernor's Fee
for an Ord-
inary Licence to
be paid by Fer-
ry-keepers.

If an Ordina-
ry is kept at
any Ferry, no
other shall be
licenced to
keep Ordina-
ry within 5
Miles, &c.

But Ordina-
ries kept at
Ferries shall
be subject to
all other Re-
gulations and
Penalties di-
rected by Law.

VI. AND for Encouragement of the said Ferry-keepers in the better keeping of the same, and in Consideration of setting over the Public Messages and Expresses, *Be it further Enacted*, That all the Men attending in the said Ferry Boats, be free of Public and County Levies, and from all other Public Services, as Musters, Constables, Clearing Highways, being Impressed, and other Things of the like Nature; and shall have their Licence without any Fee or Reward paid for obtaining the same, or for the Petition, Bond, or other Matter or Thing whatsoever, relating thereto: And also, if the said County Court shall find it requisite or useful, that an Ordinary be kept at such Ferry, then, and in such Case, they are hereby authorized and empowered to licence such Ferry-keepers to keep Ordinary, without any other Fee, either for the Licence, or for the obtaining the same, except half of the Fee allowed by Law to the Governor, notwithstanding there be otherwise, a sufficient Number of Ordinaries in the same County: And moreover, that in such Case, no other Person be permitted to keep Ordinary within Five Miles of such Ferry-keeper so licenced to keep Ordinary, unless it shall so happen, that the Place of a County Court, or Land laid out for a Town, shall require it.

VII. PROVIDED always, and it is the true Intent and Meaning of this Act, That when any Ferry-keeper shall be so licenced to keep Ordinary, the Person so licenced, shall, notwithstanding the Immunities aforesaid, be liable to such like Bonds, Securities, and Penalties, as other Ordinary-keepers are and shall be liable unto.

VIII. AND

A. D. 1705.

Penalty upon Persons, not licenced to keep Ferry, who shall take any Reward for letting any Person over a River, &c. whereon a Ferry is appointed by this Act.

VIII. *AND be it also Enacted*, That if any other Person whatsoever, for Reward, shall let any Person or Persons over any of the Rivers whereon Ferries are or shall be appointed by Virtue of this Act, (except Necessity of a Parish require it for going to Church,) he or they so offending, shall forfeit and pay for every such Offence, Five Pounds current Money of *Virginia*: One Half thereof to be to the nearest Ferryman to the Place where such Offence shall be committed; and the other Half to the Informer; and if the Ferry-keeper be the Informer, then he to have the Whole: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

County Courts may appoint Ferries within the County, & agree with the Ferry-keeper for transporting the Militia on Muster Days, &c. but not to another County.

IX. *PROVIDED nevertheless, and be it Enacted*, That it shall and may be lawful for any County Court within this Colony and Dominion to appoint a Ferry over any River or Creek within the County, where the same shall be thought convenient; and also to agree with the Keeper of any Ferry appointed, or which shall be appointed by Virtue of this Act, to let over the Militia of the County on Muster Days, and to raise an Allowance for the same in the County Levy.

X. *PROVIDED*, That nothing in the aforesaid Proviso contained, shall be construed to give Liberty to any County Court to levy or raise any Allowance upon the Inhabitants of the County for any Ferry whatsoever, over a River or Creek to another County.

What shall be accounted Public Expresses.

XI. *AND* for Explanation of what shall be accounted Public Messages or Expresses within the Meaning of this Act, *Be it Enacted*, That all Expresses which shall be sent by the Secretary, any One of the Council, Sheriff of a County, Commander in Chief, Colonel Lieutenant, Colonel or Major in the Militia to his Excellency the Governor, or the Governor or Commander in Chief of this Colony and Dominion, for the Time being; or which shall be sent by such Governor or Commander in Chief, or by the Clerk of the Council, to any Person; or which shall be sent by any chief Militia Officer to the Governor, or to the chief Militia Officer of the next County, to give Intelligence of the Approach of an Enemy; or which shall come from beyond Sea, directed to the Governor or Commander in Chief of this Colony, shall be accounted Public Messages and Expresses, and shall be Ferry free, and within the Meaning of the Condition of the Bond aforementioned, in Case such Expresses be directed for Her Majesty's Service, and signed upon the Supercription by the Person or Persons sending the same.

Public Messengers shall be paid by the Receiver General, out of Revenue of 2s. per Hoghead, &c. 4d. per Mile, for carrying Expresses, & 5s. per Diem for Attendance.

XII. *AND* for the greater Ease and Encouragement of all Messengers carrying such Messages or Expresses, *Be it further Enacted*, That Her Majesty's Receiver General of this Her Majesty's Colony and Dominion, for the Time being, shall be and is hereby obliged to pay, always at the Seat of the Government, out of the Revenue arising by Virtue of the Imposition of Two Shillings per Hoghead, Head Money, Fort Duties, Fines, and Rights, as being a Contingency of the Government, to every such Messenger ready Money, after the Rate of Four Pence per Mile for himself and Horse, for every Mile's Going he shall be sent forward on such Public Messages, in full Consideration of his Going and Returning. And if, at any Time such Messenger shall be kept attending, by the Governor or Commander in Chief of this Her Majesty's Colony and Dominion, for the Time being, the said Receiver General shall, over and above, pay to such Messenger for every such Day's Attendance, Five Shillings per Day out of the Fines and Revenues aforesaid.

XIII. *PRO-*

A.D. 1705.

But shall
produce Cer-
tificates.

Expresses by
Water, 15 d.
per Day for
the Boat, and
2 s. per Day
per Man.

Made perpe-
tual by Ch. 6.
1713.

XIII. *PROVIDED*, That the Messengers from the several Counties, bring with them from the Supercriber of the Express, a Certificate of the Name of the Messenger, and the Distance of Miles sent, and the Days Attendance certified by the Governor, or Commander in Chief, for the Time being, or the Clerk of the Council, otherwise such Messenger and Attendant not to be paid or allowed.

XIV. *AND be it further Enacted*, That if any Messages or Expresses be sent by Water, the same shall be paid for as aforesaid, after the Rate of Fifteen Pence per Day for the Boat, and Two Shillings per Day for each Man employed to go in her.

XV. *AND be it further Enacted*, That this Act shall continue in Force Seven Years, and thereafter to the End of the next Session of Assembly.

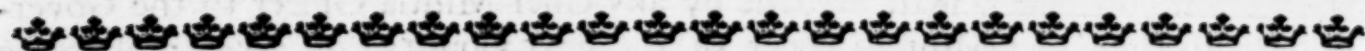
CHAP. LIV.

An Act appointing a Treasurer. EXP.

CHAP. LV.

Private, and
Expired.

An Act making the French Refugees, inhabiting at the Manakin Town, and the Parts adjacent, a distinct Parish by themselves; and exempting them from the Paiment of Public and County Levies, until the 25th Day of December, 1708. EXP.



Sign'd by EDWARD NOTT, Esq; Governor.

Benjamin Harrison, Speaker.



At

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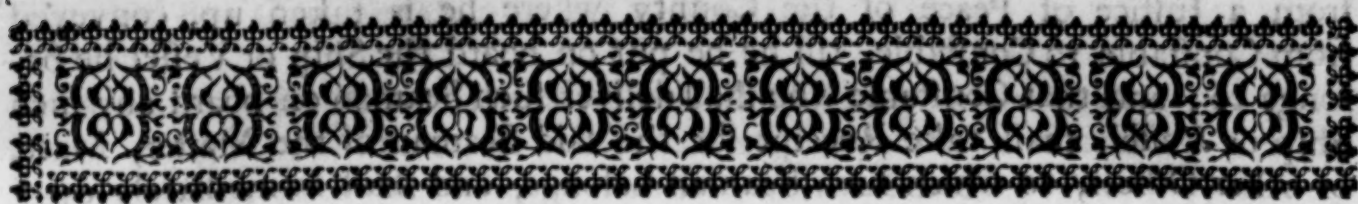
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XIII. *PROVIDED*, That the Messengers from the several Counties, being with them from the Supremacy of the Kingdom, a Certificate of the Name of the Messenger, and the Office of such Person, and the Days of Attendance certified by the Governor or Commander in Chief, for the Time being, or the Clerk of the Council, otherwise such Messenger and Attendance not to be paid or allowed.

XIV. *AND* it is further enacted, That if any Messenger or Person sent by Water, the same shall be paid for the Journey, after the Rate of 1000 Pence per Day for the Boat, and 100 Pence per Day for each Man employed to go in the same.

XV. *AND* it is further enacted, That if any Messenger or Person sent by Land, the same shall be paid for the Journey, after the Rate of 1000 Pence per Day for the Horse, and 100 Pence per Day for each Man employed to go in the same.



At a GENERAL ASSEMBLY, begun and holden at the Capitol, in the City of *Williamsburg*, the Twenty-Fifth Day of *October*, in the Ninth Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *Great-Britain, France, and Ireland*, Queen, Defender of the Faith, &c. *Anno Domini* 1710.

ALEXANDER
SPOTSWOOD,
Esq; Govern-
nor.

CHAP. I.

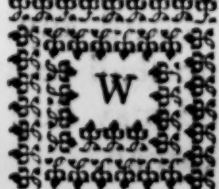
An Act for laying a Duty on Liquors and Slaves. E X P.

CHAP. II.

An Act for finishing a House for the Governor of this Colony and Dominion. Effected.

CHAP. III.

An Act prohibiting Seamen being harboured or entertained on Shore. Vid. Ch. 6. 1722.

I.  HEREAS many of Her Majesty's Ships of War and Merchant Ships, trading into this Colony and Dominion, suffer very much by their Seamen running away, and absconding from their Ships: For Prevention thereof,

Preamble.

II. BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and by the Authority thereof, and it is hereby Enacted, That every Seaman that shall run away, or absent himself unlawfully from the Ship or Vessel he belongs to, shall be and is hereby liable

Runaway
Seamen may
be taken up,
seized, deli-
ver'd to a Con-
stable, & con-
vey'd back to
their Ship.

A. D. 1710.

Constable shall take Receipt from the Master of the Ship, &c. and deliver such Receipt to the Naval Officer of that District, and receive of him, for every Seaman so taken up, if 10 Miles, or under, 5 s. if above, 10 s.

Justices of Peace to grant Certificates for taking up Runaway Seamen.

Reward for taking up, 20 s. if above 10 Miles from the Ship, &c. 10 s. if under, to be paid by the Naval Officer, and repaid by the Master, before Clearance.

Substance of the Certificate.

If a Runaway belongs to a Ship, &c. fail'd before he can be got on board, he may be deliver'd on board a Ship of War, or any Merchant Ship, if the Captain will receive him, and pay the Reward.

The Captains of Ships of War receiving Runaways, shall reimburse the Naval Officer, &c.

Naval Officer may pay the Rewards out of the Revenue of 2 s. per Hogshead.

able to be taken up or secured by any Person or Persons, and upon a Warrant from a Justice of Peace of the County where he is taken up, conveyed from Constable to Constable, till he be put on board the Ship or Vessel he belongs to; and that Constable who shall deliver such Seaman on board any such Ship or Vessel, shall take Receipt for the said Seaman of the Master, Mate, or other Officer, to which such Seaman belongs, and shall immediately carry and deliver the same to the Naval Officer of the District where such Ship or Vessel rides before she is cleared; for which Service, the said Constable shall receive of the Naval Officer, if Ten Miles, or under, Five Shillings, and if above Ten Miles, Ten Shillings; which the Naval Officer shall be reimbursed by the Commander of the said Ship or Vessel.

III. *AND be it further Enacted*, That every Justice of Peace within this Colony, before whom such Runaway Seaman shall be brought, be empowered and required to give the Taker-up of the said Seaman a Certificate under his Hand, according to this Act, to entitle him to the Reward hereafter given for so doing.

IV. *AND be it further Enacted*, That the Reward for taking up a Runaway Seaman, shall be Twenty Shillings, if it be done Ten Miles, or upwards, from the Ship or Vessel the Seaman belongs to, and if under Ten Miles, Ten Shillings, and no more; which several Sums of Money, as the Occasion is, shall be paid to the Taker-up, upon Certificate, as aforesaid, by the Naval Officer of the District where the Ship or Vessel rides that the Seaman belongs to, and the Captain or Master of the said Ship or Vessel shall reimburse the same to him, before he be cleared, or be permitted to sail from that District.

V. *AND be it further Enacted*, That the Justices Certificate afore-mentioned, to be given to the Taker-up of a Runaway Seaman, shall expressly declare what Ship or Vessel the said Seaman belongs to, what Place the said Seaman was taken up at, and whether it be Ten Miles from the said Ship or Vessel, or under, or above, and that the Taker-up made Oath before him to the Place of Taking-up.

VI. *AND be it further Enacted*, That if a Runaway Seaman, taken up by Virtue of this Act, shall belong to a Merchant Ship or Vessel gone out of the Country before the said Seaman is taken up, or can be got on board the said Ship or Vessel; in such Case, the said Seaman shall be put on board any One of Her Majesty's Ships of War which shall happen to be here, if the Captain thereof will receive him on board, and pay the Reward for Taking up; and if the Commander of any of Her Majesty's Ships of War shall refuse to receive such Seaman, and pay the said Reward, then the said Seaman shall be delivered to the Master of any Merchant Ship that will receive him, on paying the said Reward.

VII. *AND be it further Enacted*, That in all Cases where a Runaway Seaman belonging to any of Her Majesty's Ships of War, or to Merchant Ships, gone out of the Country, shall happen to be put on board any of Her Majesty's said Ships, the Captain or Commander of such Ship shall reimburse the Naval Officer the Charge of Taking-up, and shall and may stop it out of the Wages due, or thereafter accruing due to the said Seaman.

VIII. *AND be it further Enacted*, That the Naval Officers of this Colony and Dominion, may use and take out of Her Majesty's Revenue of Two Shillings per Hogshead in their Hands, so much Money as shall be necessary to pay off the Certificates produced to them for taking up Runaway Seamen

as

as aforesaid, 'till they can be re-imburfed, as by this Act is before directed; provided due Care be taken to get in the same. A. D. 1710.

IX. AND for Prevention of Escapes which may happen, *Be it Enacted*, That whatever Constable, or other Officer, to whom a Runaway Seaman shall be committed, according to this Act, shall wittingly, willingly, or negligently suffer the said Seaman to make his Escape, or in due Time, as before directed, to deliver the Receipt aforesaid to the Naval Officer of such District, as before in this Act is directed, such Constable, or other Officer, shall, for his said Offence, forfeit and pay to the Queen's Majesty, her Heirs and Successors, Five Hundred Pounds of Tobacco, with Costs of Suit: To be recovered, by Action of Debt, Bill, Complaint, or Information, in any of Her Majesty's Courts of Record in this Colony and Dominion.

Penalty on
Constables
suffering
Runaway
Seamen to es-
cape, &c.

X. AND to prevent the Entertainment, Harboursing, or Concealing of Runaway Seamen, *Be it further Enacted*, That if any Ordinary-keeper, or other Person, shall hereafter entertain, harbour, or conceal any Seaman, except he be able to give a good Account that he is about his lawful Business, such Ordinary-keeper, or Person, shall forfeit and pay Five Hundred Pounds of Tobacco to him, her, or them, that will inform or sue for the same, in any Court of Record in this Colony and Dominion: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, wherein no Effoin, Protection, or Wager of Law, shall be allowed. And if it so happen, that such Offender shall not be able to pay the said Sum of Five Hundred Pounds of Tobacco, or to give Security for the Paiment thereof at the succeeding Crop, the said Offender shall have and receive on his or her bare Back, Twenty Lashes, well laid on, for his or her Offence.

Penalty on
Ordinary-
keepers gi-
ving Enter-
tainment to,
or Conceal-
ing Runaway
Seamen.

Vid. 8 Geo. 1.
Ch. 6. Sect. 6.

XI. *PROVIDED always*, That this Act shall continue in Force for Two Years, and from thence, to the End of the next Session of Assembly.

Revived, &c
made perpe-
tual, Chap. 7.
1713.

C H A P. IV.

An Act to explain Part of an Act of Assembly, intituled, An Act for establishing the General Court, and for Regulating and Settling the Proceedings therein.

I **W**HEREAS, by an Act of Assembly made at a General Assembly, begun at the Capitol, the Twenty Third Day of October, in the Year One Thousand Seven Hundred and Five, intituled, *An Act for Establishing the General Court, and for Regulating and Settling the Proceedings therein*, It is, among other Things, Enacted, That the General Court of this Dominion, and the Courts held before the Justices of the Peace, in the several respective Counties, commonly called the County Courts, shall be deemed and taken, and are hereby declared to be the only Courts of Record of or in this Dominion; and that no other Court or Courts whatsoever, shall be construed, deemed, or taken to be such: Whereupon some Doubts and Questions have been made; wherefore, for the better Explanation of the said Act,

Preamble.

Recital of 4
Anna, Ch. 19.
Sect. 39.

II. *BE it Enacted and Declared, by the Lieutenant-Governor, Council, and Burgesses, of this General Assembly, and the Authority of the same,*

H h 2

That

A. D. 1710.

The Act for
Establishing
the General
Court, &c.
not intended
to abridge,
&c. the Roial
Prerogative,
of erecting o-
ther Courts of
Record, &c.

Or of recei-
ving Appeals
from the Judg-
ments, &c. of
the General
Court.

That nothing in the said Act contained, shall be construed, deemed, or taken to derogate from, lessen, or abridge the Roial Power, Prerogative, and Authority of Her Majesty, her Heirs and Successors, of granting Commission or Commissions of *Oier and Terminer*, or of constituting and erecting such other Court or Courts of Record, as Her Majesty, her Heirs or Successors, by her or their Commission or Commissions, Instruction or Instructions to her or their Governor or Commander in Chief of this Colony and Dominion, for the Time being, shall direct, order, or appoint.

III. *AND be it further Enacted*, That nothing in the said Act contained, shall be construed, deemed, or taken to derogate from, lessen, or abridge the Roial Power, Prerogative, and Authority of Her Majesty Queen *Anne*, her Heirs and Successors, of receiving, hearing, and determining any Cause or Causes which shall or may be brought before Her Majesty, her Heirs or Successors, by Appeal from the Judgment, Decree, or Sentence of the said General Court; or to debar or hinder any Person whatsoever, from demanding and obtaining an Appeal from any Judgment, Decree, or Sentence of the said General Court, which shall or may be given or made against him, to Her Majesty, her Heirs and Successors; in such Cases, where the same are, or at any Time hereafter shall or may be allowable, by the Order or Instruction of Her Majesty, her Heirs or Successors, to her or their Governor or Commander in Chief of this Colony and Dominion, for the Time being: And that all such Appeals, Commissions, and Instructions shall be allowed, held good, valid, and available; any thing in the said Act of Assembly to the contrary, or seeming contrary thereto, in any-wise, notwithstanding.

C H A P. V.

An Act for raising a Public Revenue for the better Support of the Government of Her Majesty's Colony and Dominion of Virginia. (a)

Preamble. I. **W**HEREAS a great and continual Charge is required for the Maintenance of the Governor, and several other Officers and Persons, as also for Forts and Fortifications; besides that, there are many other contingent Expences, absolutely necessary for the Support of the Government of this Her Majesty's Colony and Dominion:

Duty of 2 s.
upon every
Hogshead,
Box, Chest,
Cafe, & Bar-
rel of Tob.

And 2 s. up-
on every
500 lb. Tob.
ship'd in Bulk,
to the Planta-
tions, and so
pro rata.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That for every Hogshead, Box, (b) Chest, Cafe, or Barrel of Tobacco, which shall at any Time hereafter be shipped or loaden on Board any Ship or Vessel whatsoever, within this Colony and Dominion, in order to be exported hence by Water, (c) to any other Port or Place whatsoever, there shall be paid by the Shipper or Shippers thereof, the Sum of Two Shillings current Money of *Great-Britain*; and also, for every Five Hundred Pounds of Tobacco shipped or loaden on Board any Ship or Vessel, in order to be exported, as aforesaid, in Bulk, to any of Her Majesty's other

(a) The Act of 1680, Chap. 3. with this Title, having passed the Roial Assent, could not be altered by this Act; and there is but little Difference betwixt them, except what is here noted. (b) Box, Chest, Cafe, and Barrel, is not in the Act of 1680. (c) The Act of 1680, lays the Duty upon all Tobacco exported by Land or Water.

Plantations, the like Sum of Two Shillings; and so, after that Rate, for a lesser or greater Quantity. (d) A. D. 1710.

III. (e) AND for avoiding all Manner of Doubts which may hereafter arise concerning the Paiment of the Duty aforesaid, for Tobaccos of the Growth of another Place, and shipped here, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared*, That the true Intent and Meaning of this Act is, that the aforesaid Duty of Two Shillings shall be paid for all Tobaccos whatsoever, shipped or laden on Board any Ship or Vessel within this Colony and Dominion, in order to be exported hence, although the same were made in, and imported or brought from another Place. Doubts about Tobacco of the Growth of another Place, determined.

IV. AND be it also further Enacted, by the Authority aforesaid, and it is hereby Enacted, That every Ship or Vessel, which shall at any Time hereafter be entred in this Her Majesty's Colony and Dominion, or any District or Port thereunto belonging, in order to unlade the Goods and Merchandizes imported in her, or in order to lade and take on Board any Tobaccos, or other Goods or Merchandize whatsoever, for Exportation out of this Colony, shall pay, for every Ton which the said Ship or Vessel is of Burthen, the Sum of One Shilling and Three Pence current Money of Great-Britain, for Port Duties. (f) Duty of 1 s. 3 d. per Ton on shipping.

V. PROVIDED always, and it is hereby Enacted and Declared, That nothing in the aforesaid Clause contained, shall be construed so as to charge any Ship or Vessel, which at any Time hereafter shall arrive into this Colony and Dominion, and here unlade and relade, with Paiment of the Port Duties Two Times for the same: And that the true Intent and Meaning of this Act is, that in such a Case, the aforesaid Port Duties shall be paid no more than once for that Voiage. Ships not to be charged twice the same Voiage.

VI. (g) AND be it further Enacted and Declared, That all Ships and Vessels liable to the Paiment of the Port Duties, by this Act imposed, shall be gaged and measured in Manner following; (that is to say,) every Ship or Vessel shall be measured by the Length of the Gun Deck, deducting Three Fifths of the greatest Breadth, from Outside to Outside, and multiplying the Product by the Breadth from Out to Out, (and not within Board;) and that Product again, by Half the said Breadth; and that Product divided by Ninety Four, which will give the true Contents of the Tonnage; and according to which Method and Rule, all Ships and Vessels shall be measured, and the said Port Duties thereby shall be computed and collected accordingly; any Custom, Practice, or Usage to the contrary, notwithstanding. Method of measuring Ships.

VII. AND be it also further Enacted, by the Authority aforesaid, and it is hereby Enacted, That every Ship or Vessel, which shall at any Time hereafter come into any Port, Creek, Harbour, or Road, within this Colony and Dominion, and shall be there entred, in order to unlade and put on Shore Goods, Merchandizes, Passengers, Servants, or Slaves, shall pay Six Pence per Poll for every Passenger, Servant, Slave, or other Person imported in her, the Mariners belonging to, and in actual Pay of the said Ship or Vessel, and every of them, excepted. Duty of 6 d. per Poll upon all Passengers, Servants, and Slaves.

(d) There is a Penalty in that Act of 100l. and Treble the Duty upon the Master who shall make a false Entry of the Number of Hogsheds, the Burthen of the Ship, or Number of the Persons imported. (e) This Clause is an Addition to the other Act, but quære the Necessity of it. (f) By the other Act, the Master has his Election to pay $\frac{1}{2}$ Pound of Gun-Powder and 3 Pounds of Shot, or 1 s. 3 d. per Ton. (g) This Clause is not in the other Act.

A. D. 1710.

Penalty upon making a short Entry of the Number of Persons imported.

VIII. AND to the End, the aforesaid Imposition or Duty of Six Pence per Poll may be truly paid, according to the Intent of this Act, *Be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Master of a Ship or Vessel shall wittingly or willingly make a short Entry of the Number of Persons imported in his said Ship or Vessel, for which the Imposition or Duty aforesaid ought to be paid, he shall forfeit and pay Ten (b) Pounds current Money; One Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them, that will inform or sue for the same, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Complaint, or Information, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

Duties to be paid to Collectors to be appointed by the Governor, with Advice of Council.

IX. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all and every of the Impositions or Duties aforesaid, shall be paid to the respective Collectors or Officers which shall be appointed to receive the same, and shall be to our Sovereign Lady the Queen, her Heirs and Successors for ever, to and for the better Support of the Government of this Her Majesty's Colony and Dominion of *Virginia*, in such Manner as is herein before expressed, and to, and for no other Use, Intent, or Purpose, whatsoever.

Collectors allow'd Salary, not exceeding 10 per Cent.

X. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That for collecting and receiving all and every the Impositions or Duties aforesaid, the Governor, or Commander in Chief of this Colony and Dominion, for the Time being, shall be and is hereby impowered and authorized, with the Advice of the Council, from Time to Time, and at all Times hereafter, to nominate, constitute, and appoint such and so many Collectors, Receivers, or other Officers, as shall be found necessary, and to allow them such Salary, (i) not exceeding Ten per Cent. as shall be thought reasonable: And for Encouragement to all Masters of Ships and Vessels, or other Persons, who shall hereafter be concerned in the Payment of the Impositions or Duties aforesaid, to give in true Accounts, and to pay down the whole Duties of a Ship, in One entire Sum, either in Money, or good and sufficient Bills of Exchange, to the Liking and Satisfaction of the Collector appointed to receive the same,

Masters of Ships allow'd 10 per Cent. upon the Payment of the Duties.

XI. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the Governor, or Commander in Chief of this Colony and Dominion, for the Time being, be and is hereby further authorized and impowered, with the Advice of the Council, to give and allow to every Master of a Ship or Vessel, or other Person, which shall so do, such reasonable Allowance and Abatement of the Impositions or Duties aforesaid, not exceeding Ten per Cent. as shall be adjudged fitting.

Privilege of Virginia Owners.

XII. *PROVIDED always, and it is hereby Enacted and Declared, by the Authority aforesaid*, for Encouragement to *Virginia* Owners, That every Ship or Vessel wholly and solely belonging to the Inhabitants of this Colony and Dominion, shall have the Privilege of being allowed the aforesaid Duties or Impositions of Two Shillings, and of One Shilling Three Pence accruing due upon her lading of Tobacco, and for her Port Duties, to the proper Use, Benefit, and Advantage of her Owner or Owners; and every Collec-

(b) The Master, by the Act of 1680, forfeits, for this Offence, 100 l.

(i) The Salary is not limited by the other Act.

tor or Receiver of the aforesaid Duties or Impositions, is hereby required to allow the same accordingly, unto the Master of every such Ship or Vessel, upon his clearing; any thing in this Act, or any other Act, Law, Usage, or Custom to the contrary, notwithstanding.

XIII. AND for Prevention of Frauds which may be used to obtain the Privilege aforesaid, *Be it also further Enacted and Declared, by the Authority aforesaid,* That no Ship or Vessel whatsoever, shall be accounted or taken to belong wholly and solely to the Inhabitants of this Her Majesty's Colony and Dominion of *Virginia*, until Proof thereof be made, by the Oath of One of her Owners, before the Governor, or Commander in Chief of this Colony and Dominion, for the Time being, and his Testimonial thereupon had, under the Seal of the Colony, or until such Proof be made before the General Court, and a Certificate thereupon had, from the Clerk of the said Court, under the Seal of his Office: And that no Collector or Receiver of the Impositions or Duties aforesaid, or either of them, shall allow to any Ship or Vessel whatsoever, the aforesaid Privilege, upon the Impositions or Duties aforesaid, or either of them, unless the Master of the said Ship or Vessel, at the Time he demands the same, shall produce Testimonial or Certificate, as aforesaid, and also himself make Oath, that he doth not know that any Part of the said Ship or Vessel doth belong to any Person whatsoever, which is not an Inhabitant of *Virginia*; any thing in this Act aforesaid to the contrary, or seeming to the contrary, notwithstanding.

Proof of the Property to be made by the Oath of one of the Owners, and certified to the Collectors.

XIV. AND *be it further Enacted,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to raising a Public Revenue for the better Support of the Government of this Her Majesty's Colony and Dominion of *Virginia*, or to any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby Repealed and made void, to all Intents and Purposes, as if the same had never been made.

All other Acts repealed: But this Clause is of no Force.

CHAP. VI.

An Act appointing a Treasurer. E X P.

CHAP. VII.

An Act for reviving and continuing an Act for Security and Defence of the Country in Times of Danger. E X P.

(*) By the 134th Act, 1661, confirmed by the Act of 1680, the Governor is made Judge of the Property.

C H A P. VIII.

An Act for Prevention of Abuses in Tobacco shipped on Freight.

Preamble.

I. **W**HEREAS great Abuses are frequently committed by the unfair and unwarrantable Practices of Masters of Ships, and other Vessels, whereton Tobacco is freighted, by their cropping, cutting away the Bulge, drawing the Staves, and otherwise injuring the Tobacco Cask, when Freight is paid them for the full Size and Proportion of the said Cask, settled by Law, at a certain Size, under great Penalties; and by Means of the breaking and cutting the said Hogsheads, great Quantities of Tobacco that fall out, are purloin'd by the Sailors, and afterwards run on Shore, to the great Prejudice of Her Majesty, in her Customs, as well as of the Owners and fair Traders,

Masters of Ships, &c. shall, before Entry, give Bond, & make Oath, not to crop, cut, injure, &c. any Tobacco-Cask, freighted on Board, &c.

Penalty on Naval Officers granting a Permit to lade, before such Bond & Oath made.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Publication of this Act, all Masters of Ships and Vessels that shall arrive in this Colony, before they be admitted to enter, trade, and load Tobacco, shall give Bond to Her Majesty, her Heirs and Successors, in the Sum of Two Hundred Pounds *Sterling*, with Condition, that he will not crop, cut away the Bulge, draw the Staves, or otherwise abuse, or cause or suffer to be cropt, cut, drawn, or otherwise injured and abused, by his Knowledge, Privity, or Procurement, any Tobacco-Cask freighted on Board the said Ship or Vessel, unless it be so agreed upon between the Freighters and the said Master, and make Oath accordingly; which Bond and Oath, the said Naval Officer is hereby authorized and required to take and administer: And if any Naval Officer shall grant a Permit to load Tobacco, before the Master of the Ship or Vessel, desiring the same, shall have given Bond, and made Oath, in Manner aforesaid, such Naval Officer so offending, shall forfeit and pay the Sum of Two Hundred Pounds *Sterling*; One Half to the Queen's Majesty, her Heirs and Successors, for and towards the better Support of the Government, and the contingent Charges thereof; and the other Half to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Her Majesty's Colony, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

Penalty on Mariners injuring Tobacco-Cask, or aiding or assisting therein.

Defendant may be held to Special Bail, &c.

III. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any other Officer or Mariner belonging to any Ship or Vessel on Freight, shall crop, cut away the Bulge, draw the Staves, or otherwise abuse, or be aiding or assisting in the cropping, cutting away the Bulge, drawing the Staves, or other abusing of any Cask wherein Tobacco is freighted by any Person within this Colony, unless in such Cases, as aforesaid, where it is so agreed between the Master and Freighters, every Person so offending, shall forfeit and pay Five Pounds *Sterling* to the Informer: To be recovered, with Costs, in any Court of Record within this Her Majesty's Colony and Dominion of *Virginia*, by Action of Debt, Bill, Complaint, or Information, wherein no Effoin, Protection, or Wager of Law shall be allowed; and may, moreover be held to Special Bail: Which Fact may also be laid to be done in any County where the Offender shall be arrested, in Manner as aforesaid, without Liberty of Traverse, as is aforesaid; and if there be more Actors in the same Fact than One, each Party shall be adjudged to the whole Fine

Fine separately; and that the Master be moreover liable to answer Damage to the Party grieved.

A. D. 1710.

IV. AND because Evidences, for Discovery of the Truth in such Cases, may most commonly be wanted, unless the Mariners belonging to the said Ship or Vessel may be admitted, *Be it further Enacted and Declared, by the Authority aforesaid, and it is hereby further Enacted and Declared,* That the summoning any of the Mariners as Witnesses, in a Prosecution upon this Act, shall, *ipso Facto*, discharge them of any Accusation thereafter to be made for any Thing that shall be discovered on such Prosecution, and themselves thereby qualified to give Evidence in the Cause; and if a Mariner, faulty in the Premises, becomes the Informer, that shall also excuse him from the said Fine of Five Pounds, for the Fact whereof he is Informer.

For better Discovery of the Truth, Mariners summoned as Witnesses, or being Informers, discharg'd from Prosecution or Penalty for any Matter discover'd upon the Trial.

V. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That it shall be lawful for the Collector, or Naval Officer, within whose District any Ship or Vessel shall lie, or any Searcher, or any Person having Tobacco on Board, to go on Board any such Ship or Vessel, during the Time of her loading, and to search whether any Breach has been committed against this Act: And if any Master, Officer, or other Mariner, shall hinder any such Search from being made, he shall, for every such Offence, forfeit and pay the Sum of Ten Pounds *Sterling*; Half to Her Majesty, for and towards the better Support of the Government, and the contingent Charges thereof; and the other Half to the Informer: To be recovered, with Costs, in any Court of Record within this Her Majesty's Colony and Dominion of *Virginia*, by Action of Debt, Bill, Plaint, or Information, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

Officers of the Customs, and Owners of Tobacco on Board, may search any Ship, for Breach of this Act; and the Master or Mariner hindering such Search, forfeits 10 l. *Sterling*.

VI. THIS Act to continue in Force, until the Twenty-Fifth Day of *December*, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirteen, and from thence, to the End of the next Session of Assembly.

Made perpetual, Chap. 5. 1714.

CHAP. IX.

An Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs. E X P.

Revived, Ch. 4. 1720.

CHAP. X.

An Act for settling and ascertaining the current Rates of Foreign Coins in this Dominion. R E P.

Repealed, Ch. 9. 1727. Sect. 9.

A. D. 1710.

C H A P. XI.

*An Act for Establishing County Courts, and for Regulating and Settling the Proceedings therein.*County
Courts estab-
lished.

I. **F**OR the better and more expeditious Determination of all Controversies that shall or may arise, *Be it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That in every County within this Dominion respectively, there shall be held a Monthly Court, according to the antient Custom and Usage heretofore in that Behalf practised; which Courts shall be called County Courts, and shall be held in the several respective Places already assigned for that Purpose, or at such other Place or Places as shall be lawfully appointed for that Use, and shall consist of Eight or more Justices for every Court respectively, who shall be called Justices of the Peace, and shall be commissioned by the Governor, or Commander in Chief of this Dominion, for the Time being, by Commission under the Seal of the Colony, and not otherwise; any Four of which said Justices (whereof One to be of the *Quorum*) shall be sufficient to hear and determine all Causes which shall be depending in the said County Courts respectively.

Justices of
the Peace, be-
fore entering
upon the Ex-
ecution of
their Office,
shall take the
Oaths ap-
pointed by
Acts of Parlia-
ment, &c. on
Penalty of
300l. Sterl.

II. *AND be it Enacted, by the Authority aforesaid,* That every Person which shall, from Time to Time, or at any Time hereafter, be commissioned to execute the Office of a Justice of the Peace, at and before his entering into and upon the said Office, shall take the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, and the Oath mentioned in an Act, intituled, (a) *An Act to declare the Alteration in the Oath appointed to be taken by the Act,* intituled, (b) *An Act for the further Security of His Majesty's Person, and the Succession of the Crown in the Protestant Line; and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined;* and shall make and subscribe the Declaration appointed by One Act of Parliament made in the Twenty-Fifth Year of the Reign of the late King Charles the Second, intituled, *An Act preventing Dangers which may happen from Popish Recusants.* And if any Person whatsoever shall presume to take upon him the Office of a Justice of the Peace in any County in this Dominion, before he shall have taken the said Oaths, and every of them, and made and subscribed the said Declaration as is afore directed, every Person so presuming to take upon him the Execution of the said Office, before he shall have taken the Oaths, and made and subscribed the Declaration afore-mentioned, and every of them, shall, for every such Offence, forfeit and pay Three Hundred Pounds *Sterling*; One Moiety thereof to Her Majesty, her Heirs and Successors; and the other Moiety thereof to him, her, or them, that shall inform or sue for the same: To be recovered by Action of Debt, in any Court of Record within this Dominion, wherein no Effoin, Protection, Privilege, Wager of Law, or any more than One Imparance shall be allowed.

III. (c) *PROVIDED always,* That if the said Oaths, Declaration, or any of them, shall be abrogated by the Authority of the Parliament of Great-

(a) 1 *Anna*, Cap. 22. (b) 13 *Will.* 3. Sess. 1. Cap. 6. (c) 4 *Anna*, Cap. 8. after the Death of the Queen, an Oath instead of the Oath prescribed by 1 *Anna*, is appointed to be taken. And see the Oaths appointed to be taken by the Statute 1 *Geo.* 1. Cap. 13.

Britain, or shall become otherwise void, the same shall also be adjudged, A. D. 1710. deemed, and taken to be abrogated, and become void, in this Colony and Dominion.

IV. *AND be it Enacted, by the Authority aforesaid*, That the said County Courts shall be holden upon the several Days and Times hereafter mentioned, (that is to say,) Days appointed for holding County Courts.

FOR the County of *Henrico*, the Court shall be held upon the First *Monday* in every Month.

FOR the County of *Charles-City*, upon the First *Wednesday* in every Month.

FOR the County of *Prince George*, on the Second *Tuesday* in every Month.

FOR the County of *Surry*, upon the Third *Wednesday* in every Month.

FOR the County of *Isle of Wight*, upon the Fourth *Monday* in every Month.

FOR the County of *Nansemond*, upon the Fourth *Wednesday* in every Month.

FOR the County of *Norfolk*, upon the Third *Friday* in every Month.

FOR the County of *Princess Anne*, upon the First *Monday* in every Month. Altered, Cap. 4. 1714.

FOR the County of *Elizabeth City*, upon the Third *Wednesday* in every Month.

FOR the County of *Warwick*, upon the First *Thursday* in every Month.

FOR the County of *York*, upon the Third *Monday* in every Month.

FOR the County of *James City*, upon the Second *Monday* in every Month.

FOR the County of *New Kent*, upon the Second *Thursday* in every Month.

FOR the County of *King William*, upon the Third *Thursday* in every Month.

FOR the County of *King and Queen*, upon the Fourth *Monday* in every Month.

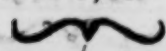
FOR the County of *Gloucester*, upon the Fourth *Thursday* in every Month.

FOR the County of *Middlesex*, upon the First *Tuesday* in every Month.

FOR the County of *Essex*, upon the Second *Thursday* in every Month. Altered, Cap. 4. 1714.

FOR the County of *Richmond*, upon the First *Wednesday* in every Month.

A. D. 1710.



FOR the County of *Lancaster*, upon the Second *Wednesday* in every Month.

FOR the County of *Northumberland*, upon the Third *Wednesday* in every Month.

FOR the County of *Westmoreland*, upon the Last *Wednesday* in every Month.

FOR the County of *Stafford*, upon the Second *Wednesday* in every Month.

Altered,
Anno 1720.

FOR the County of *Northampton*, upon the Third *Tuesday* in every Month. And

FOR the County of *Accomack*, upon the First *Tuesday* in every Month.

On these Days the respective Courts shall be held, and shall not be adjourn'd, but only to the Court in Course.

V. AND that all Persons may be the better ascertained when to attend any Process or Pleas they shall have depending in the said County Courts, or any of them, *Be it Enacted, by the Authority aforesaid*, That the Courts of the several Counties shall be holden upon the respective Days herein before appointed, and shall not be adjourned to any other Time than the next succeeding Court, which shall be in Course, according to this Act.

Unless Business depending, cannot be determined on the Court Day, & then the Justices may adjourn *de Die in Diem*.

VI. *PROVIDED* always, if it should so happen, That all Causes depending, or to be depending in any of the said County Courts, cannot be heard and determined upon the Day herein before appointed for holding the Courts respectively; that then, and in such Cases, it shall be lawful to and for the Justices of such Court to adjourn and hold the Court *de Die in Diem*, until all Causes and Controversies then depending before them shall be heard and determined, or otherwise continued, according to the due Course of Law.

4, or more Justices present, shall be a Court, and have Jurisdiction of all Matters, at Common Law or in Chancery, except Criminal Processes for Life or Member, & Processes of Outlawry &c.

VII. *AND be it further Enacted, by the Authority aforesaid*, That the Justices of the said County Court, or any Four of them, as aforesaid, may and shall take Cognizance of, and are hereby declared to have full Power and lawful Authority and Jurisdiction to hear and determine all Causes whatsoever cognizable at Common Law, or in Chancery, within their respective Counties, except such Criminal Causes, wherein the Judgment, upon Conviction, shall be for the Loss of Life, or Member, and except the Prosecution of Causes to Outlawry against any Person or Persons, and also except all Causes of less Value than Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco; all which said Causes of less Value than Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco, are hereby declared to be cognizable, and finally determinable by any One Justice of the Peace.

Matters of less Value than 20s. *Sterling*, or 200 lb. Tob. determinable by 1 Justice of the Peace: But if, upon Suit brought, the Ballance be less than

VIII. *PROVIDED* always, That if any Suit shall be commenced for Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco, or any greater Sum, and upon settling and adjusting Accounts, the Ballance due, shall be less than those Sums, or any One of them; yet Judgment shall be granted for such lesser Sum; any thing herein before contained to the contrary, notwithstanding.

20s. or 200 lb. of Tobacco, yet the Plaintiff shall have Judgment for such Ballance due.

IX. *AND*

A. D. 1710.

The Authority and Jurisdiction of a Justice of the Peace.

IX. *AND be it further Enacted, by the Authority aforesaid, That the said Justices of the Peace, and every of them, from Time to Time, and at all Times, during their Continuance in that Office, as well out of Court, as within, shall have Power to maintain and keep the Peace within their respective Counties, in which, and in the hearing and determining all Causes in Court, according to the Authority and Power herein before mentioned to be granted to and vested in them, or which is or shall be granted to or vested in them by this or any other Act, they and every of them shall proceed to do Justice to all Persons whatsoever according to Law: And to that Intent, the said Justices of the Peace, and every One of them, at his or their entering into and upon the Execution of the said Office of a Justice of the Peace, are hereby required and enjoined, under the like Penalties and Forfeitures as is before mentioned, for not taking the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, (to be recovered and divided in the same Manner,) to take the following Oaths, and every of them, for the due Execution of his and their said Office and Offices respectively.*

The Oath of a Justice of the Peace.

YOU shall swear, *That as a Justice of the Peace in the County of A. in all Articles in the Commission to you directed, you shall do equal Right to the Poor and to the Rich, after your Cunning, Wit, and Power, and according to Law; and you shall not be of Council of any Quarrel hanging before you; and the Issues, Fines, and Amerciaments that shall happen to be made, and all Forfeitures which shall fall before you, you shall cause to be entered, without any Concealment or Imbezelling; you shall not let for Gift, or other Causes, but well and truly you shall do your Office of Justice of the Peace, as well within your County Court as without; and you shall not take any Fee, Gift, or Gratuity, for any Thing to be done by Virtue of your Office; and you shall not direct, or cause to be directed any Warrant (by you to be made) to the Parties, but you shall direct them to the Sheriff or Bailiffs of the said County, or other the Queen's Officers or Ministers, or other indifferent Persons, to do Execution thereof.* So help you God.

The Oath of a Justice of the Peace.

The Oath of a Justice of the County Court in Chancery.

YOU shall swear, *That well and truly you will serve our Sovereign Lady the Queen, and her People, in the Office of a Justice of the County Court of A. in Chancery; and that you will do equal Right to all manner of People, Great and Small, High and Low, Rich and Poor, according to Equity and good Conscience, and the Laws and Usages of this Colony and Dominion of Virginia, without Favour, Affection, or Partiality.* So help you God.

The Oath of a Judge in Chancery.

X. *AND be it Enacted, That it shall and may be lawful for any Justice of the Peace, upon Complaint made to him by any Person, that his Debtor is removing himself out of the County privately, or hath absconded and concealed himself, so as the ordinary Process at Law cannot be served against him, to grant an Attachment against the Estate of such Debtor, or so much thereof, as shall be of Value sufficient to satisfy the Debt of the Party praying such Attachment, returnable to the next County Court; which Estate being so attached, shall be repleviable by Security given, and Appearance at the said next Court.*

Justices of Peace may grant Attachments, returnable to the next Court, against Persons removing privately, or absconding, &c. Attachments repleviable by Appearance.

XI. PRO-

A. D. 1710.

But before
granting an
Attachment,
the Justice
shall take
Bond and Se-
curity.

Rules for If-
suing & Re-
turn of Writs,
Summons, Ex-
ecutions, At-
tachments,
&c.

XI. *PROVIDED*, That before granting such Attachment, the said Justice shall take Bond and Security of the Person praying the same, to pay all Damages that shall be awarded to the Defendant, in Case the Plaintiff, or Person, desiring such Attachment, shall be cast in the Suit.

XII. *AND* for the more easy and regular Prosecution and Determination of all Suits and Actions in the County Courts, *Be it Enacted, by the Authority aforesaid*, That all original Process, either by Writ, Summons, or any other Manner or Means, to bring any Person or Persons whatsoever, to answer any Action, Suit, Information, Bill, or Plaint, in any of the County Courts, and all Executions and Attachments awarded by any of the said Courts, at the Common Law, and all Subpœnas, Attachments, and other Process in Chancery, and all other Process regularly and legally belonging and appertaining to any Cause or Matter depending, or to be depending in any of the said County Courts, shall be issued by the Clerk of the said County Courts respectively, and shall also be again returned to the same Office whence they were issued.

XIII. *AND be it further Enacted*, That all Process whatsoever returnable to any County Court, shall be executed at least Three Days before the Court Day therein mentioned for the Return thereof; and if any Process shall be delivered to any Sheriff, or other Officer, so late that he cannot execute the same Three Days before the Return, then it shall not be lawful for such Sheriff, or other Officer, to execute the same, but he shall make Return thereupon, according to the Truth of the Case: And if any Person take out any original Process within Three Days before a County Court Day, such Process shall be made returnable to the next Court, after the Court Day coming, within Three Days, as aforesaid, and not otherwise; and all such Process issued and made returnable, otherwise than is herein directed, shall be, to all Intents and Purposes, null and void.

Warrants for
apprehending
Criminals,
&c. shall be
executed, al-
tho' there be
not 3 Days
between the
Tesse & Re-
turn.

XIV. *PROVIDED* always, That notwithstanding any thing herein contained, it shall and may be lawful for any Justice or Justices of the Peace, by Warrant under their Hand, to cause any Traitor, Felon, Pirate, Rioter, Breaker of the Peace, or other criminal Offenders, to be apprehended and brought before the same, or some other Justice or Justices, or before the next County Court, although there shall not be Three Days between the Execution of such Warrant and the Day of the Return thereof.

Process a-
gainst a Mem-
ber of the
Council, or a
Sheriff, shall
be in the Coun-
ty Court, as
directed by 4
Annæ, cap. 19.
in the General
Court.

XV. *AND be it further Enacted, by the Authority aforesaid*, That the issuing of Process against any Member of Her Majesty's Council, or against the Sheriff of the County, and the Proceedings of the Court thereupon, shall be after the same Manner in the County Court, as is directed for the General Court; and that upon the Sheriff's attaching the Body of any Person or Persons, and upon such Person or Persons failing to appear thereupon, the Method of Process against the Sheriff, his Executors or Administrators, or against his Estate; and also an Attachment for the Bail or Sheriff, or his Executors or Administrators, against the Estate of the Person failing to appear, shall be had and pursued after the same Manner, as is directed for the General Court.

XVI. *AND* for the better and more regular Prosecution and Determination of all Causes in the said County Courts, and for the more exact entering of the Judgments of the said County Courts, and for the Preservation of the
Records

Records thereof, *Be it Enacted, by the Authority aforesaid,* That these following Rules and Methods shall be observed, (*to wit,*)

A. D. 1710.

THAT every Plaintiff or Demandant shall file his Declaration One Day before the Court; and any Person that desires the Clerk to draw his Declaration, shall give Directions for the same in Writing to such Clerk, at least Two Days before the Court.

Rules.

THAT if the Plaintiff or Demandant fails to file his Declaration, or to appear and prosecute his Suit, he shall be Nonsuit.

THAT where any Nonsuit is awarded by the Court, there shall Five Shillings be paid for the same, besides Costs of Suit.

THAT the Defendant or Tenant shall prepare his Plea in Writing, to the Declaration of the Plaintiff or Demandant.

THAT the Clerk of the Court do carefully preserve the Declarations, Pleas, and all Evidences, and other Papers relating to any Cause, and that they be all filed together in the Office.

Clerk of the Court shall file and preserve all Papers, &c.

THAT in all Cases where the Title or Bounds of any Estate in Land is determined, the Pleadings shall be all in Writing, and shall be entred at large, with the Judgment thereupon, in particular Books set apart for that Purpose only.

Pleadings in Land Causes, shall be in Writing, &c.

THAT all Proceedings and Judgments in Pleas of the Crown, for Fines and Forfeitures, and in other Matters relating to Her Majesty's Revenues, be recorded in particular Books set apart for that Purpose.

Pleas of the Crown, &c. shall be recorded in particular Books. Vestries may be sued in one Action against all the Members.

THAT in all Cases, where any Fine is laid upon the Members of the Vestry of any Parish, One Action may be brought against them all jointly.

AND for Prevention of Errors in entring the Judgments of the County Courts, the Justices, before they adjourn the Court, shall cause the Minutes of their Proceedings to be publicly read by the Clerk, and corrected as Occasion shall require; and then the same shall be signed by the First Justice in Commission, present at such Reading and Correction; which Minutes so signed, shall be taken in a Book, and carefully preserved amongst the Records; and no Proceedings or Judgments of any Court shall be of Force or Valid, until they be so read and signed, as aforesaid.

Before adjourning the Court, the Minutes, &c. shall be read by the Clerk, corrected, signed by the 1st in Commission then present, & filed upon Record, &c.

XVII. *AND be it further Enacted,* That the Person who shall become Special Bail in any Personal Action, shall be liable for satisfying the Judgment that shall be given against the Defendant, unless he shall render his Body in Execution in Discharge of his Bail; and if in any Personal Action, the Plaintiff shall move, that the Defendant may be obliged to give Special Bail for satisfying the Judgment, it shall and may be lawful for the Court where such Action shall be depending, if they see cause, to commit the Defendant to the Custody of the Sheriff, until he shall give sufficient Bail accordingly.

Special Bail liable for the Judgment, unless he render the Defendant's Body, &c.

XVIII. *PROVIDED,* That no Person shall be obliged to give Special Bail in any Suit that shall be depending for the Breach of a Penal Law.

Court may rule the Defendant to give Special Bail, &c.

XIX. *AND* forasmuch, as by Exceptions taken to Declarations by delatory Pleas, Justice is often delayed, to the great Vexation and unnecessary Charge

No Special Bail in Suits for Breach of Penal Laws. For preventing Delays by delatory Pleas.

A. D. 1710.

Where a Declaration is good in Substance, the Suit shall not abate for want of Form.

Process, &c. shall not be discontinued, although the Court be not held in due Course, &c. But all such Process, &c. shall stand continued to the next Court.

And where a Justice is a Party in a Suit, &c. and there be not present a sufficient Number of other Justices, to make a Court, such Suit, &c. shall stand continued to the next Court.

Charge of Her Majesty's good Subjects, *Be it therefore Enacted*, That in all Personal Actions where the Declaration shall plainly set forth all Matters of Substance required therein, to proceed upon the Merits of the Cause, the Suit shall not abate for want of Form.

XX. *AND be it further Enacted*, That no Process depending in any County Court shall be discontinued, for or by Reason of the Justices failing to hold Court upon the Day appointed for the same by this Act; but in Case of such Failure, all Suits, Process, Matters, and Things depending, shall be continued, and all Returns and Appearances shall be made to the next succeeding Court, in the same Manner as if such succeeding Court had been the same Court, whereto such Suits, Process, Matters, and Things were continued, or whereto such Returns and Appearances should otherwise have been made; and all Recognizances, Bonds, and other Obligations for Appearance, and all Returns, shall be of the same Force and Validity to enjoin the Appearance of any Person or Persons at such succeeding Court, as if the same had been expressly mentioned and set down therein: And if any one or more Justice or Justices of the Court shall be a Party or Parties concerned in any Suit, Process, Matter, or Thing, depending in any County Court, and there shall not be Justices enow present to make a Court according to this Act, besides such Justice or Justices so concerned; then such Suit, Process, Matter, or Thing depending, shall stand continued to the next succeeding Court, as aforesaid; any Law, Custom, or Usage to the contrary hereof, in any-wise, notwithstanding.

XXI. *AND* for the better discovering the Truth in Matters of Fact to be tried in the County Courts, *Be it Enacted*, That the Rules and Orders hereafter set down, shall be observed, (*to wit*.)

Rules for Witnesses.
Vid. 1 Geo. 2. cap. 3.

THAT in all Cases where Witnesses are to appear in the County Court, a Summons shall be issued for the same, by the Clerk of such County Court for the Time being, expressly mentioning the Time and Place where the Witnesses are to appear, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whose Request they are summoned.

The Court, or 2 Justices, *Quorum unus*, may grant *De dimus* for examining Witnesses disabled by Sickness, Age, &c. from attending the Court.

THAT if any Witness live in another County than where the Suit is depending, in which his Evidence is required to be given, a Summons shall be issued by the Clerk, and signed by some One Justice of the *Quorum* in the County where the Suit is depending, directed to the Sheriff of the County where such Witness resides; which Summons such Sheriff is hereby required to execute: And if thereupon, the Witness shall fail to appear, he shall be fined in like Manner as is hereafter directed, for Witnesses living within the County. And if such Witness shall attend, according to the Summons, he shall be allowed for the same, in like Manner as is directed for Witnesses attending the General Court. And if any such Witness shall, by Sickness, Age, or other Disability, be incapable to attend, then it shall be lawful for the Justices of the Court where such Witness should have attended, or any Two of them, (whereof One to be One of the *Quorum*.) to issue one or more Commission or Commissions for taking the Affidavit of such Witnesses so incapable to attend in Manner as is directed in the like Case, for the General Court.

Penalty on Witnesses failing to appear upon Summons. *Vide ut Supra.*

THAT every Person summoned as a Witness to any County Court, and failing to appear accordingly, and attend the Trial, for every such Failure, shall forfeit and pay to the Party grieved, Three Hundred and Fifty Pounds of Tobacco: To be recovered, with Costs, by Action of Debt, in any Court of Record within this Dominion; and shall be further liable to an Action on the Case,

Case, at the Suit of the Party grieved, for what Damages he shall sustain for want of such Persons Testimony: *Provided always*, That if at the Time such Person so summoned ought to have appeared, sufficient Cause be shewn of his or her Incapacity to attend, then no Forfeiture or Penalty shall be incurred by such Failure.

XXII. AND for the more regular granting of Appeals from the County Courts to the General Court, *Be it Enacted*, That when any Person or Persons being Defendant or Tenant, in the County Court, shall pray an Appeal to the General Court, such Person or Persons (before such Appeal shall be granted) shall give Bond, with good and sufficient Security, for the prosecuting the same with Effect, and to perform the Judgments of the General Court, and to pay Damages, if the Judgments of the County Court shall be affirmed, in Manner as is hereafter directed, (*to wit*,)

IN all personal and mixt Actions, the Damages shall be Fifteen *per Cent.* upon the principal Sum, with all the Costs and Damages, ordered to be paid by the Judgment of the County Court.

AND in every real Action, the Damage shall be Two Thousand Pounds of Tobacco, over and above all Costs, and other Charges and Damages, ordered to be paid by the Judgment of the County Court.

AND if any Person or Persons being Plaintiff or Demandant in the County Court, shall appeal to the General Court, then the same Bail which shall be given for the Appearance of the Defendant or Tenant at the County Court, shall also stand bound for the like Appearance at the General Court, to answer the Appeal; unless, upon good Reason shewn, the County Court shall think fit to direct that Special Bail be given to answer such Appeal.

AND if any Plaintiff or Demandant shall appeal to the General Court, as aforesaid, he shall give Bond, with Security, in the Sum of Twenty Pounds current Money, that he will prosecute the same with Effect; and if he do not appear to prosecute the said Appeal, then the said Bond shall be forfeited to the Defendant or Appellee; and if the Appellant do appear, and upon Trial, the County Courts Judgment shall be affirmed; in such Case, the Appellant shall pay to the Appellee, Fifty Shillings current Money, or Five Hundred Pounds of Tobacco, besides all Costs accruing on such Appeal.

XXIII. *AND be it further Enacted*, That when a Judgment shall be obtained against any Person or Persons, in the County Court, in any transitory Action, and the Person against whom the same is granted, shall remove himself out of that County, so as Execution cannot thereupon be served on him, it shall and may be lawful for the Clerk of the Court where such Judgment was granted, to make out, and for any Justice of the Peace of the *Quorum*, in the said County, to sign an Execution against the Body of the said Defendant, and to direct the same to the Sheriff of any County within this Colony; and any Sheriff, to whom the said Execution shall be delivered, is hereby empowered and directed to serve the same upon the Body of the Defendant being within his County, in the same Manner, as if the Execution had issued from the Court of the County where such Defendant shall be found.

XXIV. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of

Appeals.
Defendant or Tenant being Appellant, shall give Bond and Security to prosecute the Appeal; and if the Judgment be affirmed, shall pay the Appellee, in personal Actions, 15 *per Cent.* upon the principal Sum recovered, and Costs; and in real Actions, 2000 *lb.* Tob. & Costs.

If the Plaintiff, &c. appeals, the Bail for Appearance shall stand Bail for Appearance in General Court, &c. unless he be ruled to give Special Bail. Plaintiff, &c. shall give Bond, &c. in 20 *l.* & if he fail to prosecute the Appeal, the Bond forfeited to the Defendant, &c. and if, upon Appearance, the Judgment is affirmed, shall pay 50 *s.* or 500 *lb.* Tob. and Costs.

This Clause alter'd & repeal'd by 12 Geo. 1. cap. 3.

Repeal of all former Laws relating to any Matter within this Act.

A. D. 1710.

this Act, is and are hereby Repealed, and made void to all Intents and Purposes, as if the same had never been made.

C H A P. XII.

An Act to prevent the destroying and murdering of Bastard Children.

Preamble.

The Statute
21 Jac. Cap.
27. enacted.

Mother of
Bastard Chil-
dren born a-
live, endea-
vouring to
conceal the
Death of their
Bastards, by
drowning,
private Buri-
al, &c. guilty
of Murder,
&c.

I. **W**HEREAS several leud Women, that have been delivered of Bastard Children, to avoid their Shame, and to escape Punishment, do secretly bury or conceal the Death of their Children; and after, if the Child be found dead, the said Women do alledge, that the said Child was born dead; whereas it falleth out sometimes (although hardly it is to be proved) that the said Child or Children were murdered by the said Women, their leud Mothers, or by their Assent or Procurement: For preventing therefore of this great Mischief,

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That if any white or other Woman, not being a Slave, after One Month next ensuing the End of this present Session of Assembly, be delivered of any Issue of her Body, Male or Female, which being born alive, should by Law be a Bastard, and that she endeavour privately, either by drowning, or secret burying thereof, or any other Way, either by herself, or the procuring of others, so to conceal the Death thereof, as that it may not come to Light, whether it were born alive, or not, but be concealed; in every such Case, the Mother so offending, shall suffer Death, as in Case of Murder, except such Mother can make Proof, by One Witness at the least, that the Child (whose Death was by her so intended to be concealed) was born dead.

This Act
shall be Year-
ly, in May,
read in all
Churches and
Chappels, un-
der Penalty
of 500^{lb}. To-
bacco, &c.

III. *AND to the End, this Act may be made Public, Be it further Enacted, by the Authority aforesaid,* That the same shall be read Yearly, on some Sunday in May, in all Parish Churches and Chappels within this Colony, by the Minister or Reader of each Parish, immediately after Divine Service, under the Penalty of Five Hundred Pounds of Tobacco for every Omision and Neglect therein: To be recovered, with Costs, by the Informer, in an Action of Case, wherein no Effoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed. And the Churchwardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish, under the Penalty of Five Hundred Pounds of Tobacco: To be recovered in Manner aforesaid.

C H A P.

A. D. 1710.

C H A P. XIII.

An Act for settling the Titles and Bounds of Lands; and for preventing unlawful Shooting and Ranging thereupon.

I. BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That no Lands, Tenements, or other Hereditaments, shall pass, alter, or change from one to another, whereby an Estate of Inheritance in Fee Simple, Fee Tail, General, or Special, or any Estate for Life or Lives, or any greater or higher Estate, shall be made or take Effect in any Person or Persons, or any Use thereof to be made by Bargain and Sale, Lease and Release, Deed of Settlement to Uses of Feoffment, or other Instrument, unless the same be made by Writing, indented, sealed, and recorded in the Records of the General Court of this Colony, or in the Records of that County Court where the Land mentioned to be granted or passed, shall lie, in Manner following; (that is to say,) If the Person or Persons who shall make and seal such Bargain and Sale, Lease and Release, Deed of Settlement to Uses of Feoffment, or other Instrument, at the Time of such Making and Sealing, shall be resident within this Colony, then the Recording thereof, as aforesaid, shall be made within Eight Months from the Sealing and Delivery: But if the Person so Making and Sealing, as aforesaid, at the Time thereof, shall be resident in any other Place, (than within this Colony,) the Recording, as aforesaid, shall be made within Two Years from the Sealing and Delivery.

No Estate in Fee Simple, Fee Tail, or for Life, &c. shall pass, &c. without Deed in Writing, indented, seal'd, & recorded, in the General Court, or in the Court of the County where the Lands lie.

Deeds shall be recorded within Eight Months, if the Grantor be Resident in this Colony, if not Resident, in 2 Years.

II. PROVIDED always, That no such Bargain and Sale, Lease and Release, Deed of Settlement to Uses, Deed of Feoffment, or any other Instrument, as aforesaid, shall, by the General Court, or County Court, as aforesaid, be admitted to Record; unless the same be acknowledged in such Court by the Person or Persons Making or Sealing the same, or by some, or one of them, to be his, her, or their proper Act and Deed; or else, that Proof be made of such Making and Sealing, upon Oath, by Three Witnesses at the least.

No Deeds shall be admitted to Record, unless acknowledged in Court by the Grantor, or proved by 3 Witnesses.

III. AND be it further Enacted, by the Authority aforesaid, That the Bargain and Sale, Lease and Release, or other Deed or Instrument heretofore made, or hereafter to be made, in Writing, indented and sealed, both by the Husband and Wife, and by them personally acknowledged in the General Court, or County Court, as aforesaid, (the Wife being, or having been first privily examined, whether she doth voluntary assent thereto,) shall be and is hereby declared to be, to all Intents and Purposes, as valid and sufficient in Law, to convey and pass over all the Estate, Right, Title, Interest, Claim, and Demand, which such Wife may or shall have in any Lands, Tenements, or Hereditaments, so to be granted, conveyed, and passed over, whether the same be in Right of Dower, in Fee Simple, or whatsoever other Estate (not being Fee Tail) she may have therein, as if the same had been done by Fine and Recovery, or by any other Ways or Means whatsoever; any Law, Custom, or Usage, to the contrary thereof, notwithstanding.

Deeds by Husband and Wife acknowledged in Court, shall be effectual to convey the Estate of the Feme, except entail'd.

IV. AND be it further Enacted, by the Authority aforesaid, That it shall not be lawful, at any Time hereafter, for any Person or Persons whatsoever, to levy any Fine, or to suffer any Recovery to be had, whereby to cut off or defeat any Estate in Fee Tail, General, or Special, of or in any Lands,

No Estate Tail shall be defeated by Fine and Recovery, or any

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 other Means,
 except by Act
 of Assembly.

Tenements, or Hereditaments, within this Colony; neither shall any such Estates Tail be cut off, or otherwise avoided or defeated, by any Ways or Means whatsoever, except only by an Act of the General Assembly of this Dominion, for the Time being, in such particular Case respectively to be had and made. And all and every Fine and Fines, Recovery and Recoveries, and every other Act and Acts, Thing and Things whatsoever, which shall hereafter be levied, suffered and made, done, performed, or executed, for and towards the cutting off, avoiding, or defeating any Estate Tail whatsoever, otherwise than by Act of Assembly, as aforesaid, shall be adjudged, deemed, and taken, and are hereby declared to be, to all Intents and Purposes, null and void; any Law, Custom, or Usage to the contrary thereof, in any-wise, notwithstanding.

For prevent-
 ing Contro-
 versies,

V. AND whereas, in Times past, several Persons purchasing Lands in this Colony, have procured their Deeds and Conveyances for the same, to be acknowledged and recorded, but not within Six Months after the Making thereof, as by Law (a) hath heretofore been required: And some Persons have procured their said Deeds and Conveyances to be recorded in other County Courts, than where the Lands have lain, and to be registred in the Council Books; and other Persons purchasing Lands, as aforesaid, have taken Deeds and Conveyances for the same, not indented or sealed, or wherein no valuable Consideration has been particularly set down and expressed; and some have taken Assignments of Lands only indorsed on the Patents; and others have purchased Lands, and taken Deeds for the same: But by Reason of the Death of the Grantor, or some other such like Accident, the said Deeds have not been acknowledged in Court, according to the strict Letter of the Law in that Case heretofore made, but yet have been proved in Court by the Oaths of Two or more Witnesses, and recorded; and others have purchased Lands, and taken Deeds and Conveyances for the same, without Livery and Seizin being made thereupon in due Form of Law; by Reason of which, several Inadvertencies and Omissions, many Controversies may hereafter arise, to the great Grievance and Charges of Her Majesty's good and lawful Subjects of this Dominion: For the Prevention thereof,

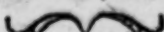
Deeds and
 Conveyances
 for Lands
 heretofore ac-
 knowledged
 and recorded
 in the Council
 Books, or in
 any County
 Court, decla-
 red good.

Assignments
 on Patents &
 Deeds, &c.
bona fide, exe-
 cuted, with-
 out valuable
 Consideration
 expressed, or
 proved by 2
 Witnesses, &
 recorded, or
 without Live-
 ry of Seizin
 made, con-

VI. BE it therefore Enacted, by the Authority aforesaid, That all Deeds and Conveyances whatsoever, for any Lands within this Colony heretofore acknowledged and recorded at any Time after the Expiration of the said Six Months, or registred in the Council Books, or recorded in any other County Court, than where the Lands therein mentioned to be conveyed, have lain, shall be adjudged, deemed, and taken, and are hereby declared to be, to all Intents and Purposes, as valid and available in Law, and shall enure and take Effect as fully and absolutely to the Benefit and Advantage of all Persons in Possession of any Lands claimed thereby, and to their Heirs and Assigns, as if the same Deeds and Conveyances had been recorded within the said Six Months, in the General Court, or in that County Court where the Lands have lain, and not otherwise; any Law, Statute, Act, Custom, or Usage to the contrary thereof, in any-wise, notwithstanding. And all Deeds and Conveyances whatsoever, *bona fide* made for Lands within this Colony, not indented or sealed, or wherein no valuable Consideration hath been particularly set down and expressed; and all Assignments indorsed on Patents, shall be adjudged, deemed, and taken, and are hereby declared to be, to all Intents, Constructions, and Purposes, as valid and available in Law, and shall enure and take Effect as fully and absolutely to the Benefit and Advantage of all and every Person and Persons in Possession of any Lands claimed thereby to

(a) *Quere*, by what Law this was required,

his and their own proper Use and Behoof, as if the same Deeds and Conveyances had been actually indented and sealed, and as if a valuable Consideration had been therein particularly expressed and set down, and as if the said Assignments had been made, and the Lands therein mentioned, conveyed in due Form of Law, and not otherwise; any Law, Statute, Custom, or Usage to the contrary thereof, in any-wise, notwithstanding. And that all Deeds and Conveyances heretofore, *bona fide* made, for any Lands within this Colony, proved in Court by the Oaths of Two or more credible Witnesses, to have been the Acts and Deeds of the Persons therein mentioned to have made, sealed, and delivered the same, and a Record thereof made, shall be adjudged, deemed, and taken, and are hereby declared to be as firm, valid, and available in Law, to all Intents and Purposes, and shall enure and take Effect as fully and absolutely to the Benefit and Advantage of all and every Person and Persons in Possession of any Lands claimed thereby to his and their own proper Use and Behoof, as if the same Deeds and Conveyances had been really acknowledged in Court by the Grantor himself in Person; any Law, Statute, Custom, or Usage to the contrary thereof, in any-wise, notwithstanding. And that all Deeds and Conveyances whatsoever, where Livery of Seizin might otherwise have been required, heretofore *bona fide* made, by any Person or Persons, for any Lands, Tenements, and Hereditaments, within this Colony, where the Person or Persons to whom the same have been conveyed, have actually entred thereupon; and they and those who have their Rights, do still continue in Possession thereof, by Virtue of such Deeds and Conveyances, shall be adjudged, deemed, and taken, and are hereby declared to be, to all Intents, Constructions, and Purposes, as firm and valid in Law, and shall enure and take Effect as fully and absolutely to the Benefit and Advantage of all and every Person and Persons in Possession of any Lands claimed thereby, as if Livery of Seizin had been thereupon made in due Form of Law, and not otherwise; any Law, Statute, or Custom to the contrary thereof, in any-wise, notwithstanding.

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 firmed to the
 Parties in Pos-
 session.

VII. *PROVIDED always*, That nothing herein contained, shall be construed, deemed, and taken, so as to confirm any Lands, Tenements, or Hereditaments whatsoever, to any other Person than those now in actual Possession thereof, and such as shall, from Time to Time, or at any Time hereafter, claim by, from, or under them; any thing herein contained to the contrary, or seeming to the contrary thereof, notwithstanding.

Not to extend to any but Persons in Possession, at the Time of making this Act.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That when any Deeds or Conveyances for any Lands, Tenements, or Hereditaments, within this Colony, shall hereafter be acknowledged or proved in any Court, in order to be recorded, as aforesaid, the Livery of Seizin thereupon made (in such Cases where the same by Law is required) shall also, in like Manner, be acknowledged or proved, and shall likewise be recorded, together with the Deed or Conveyance so requiring the same, and whereupon it shall have been made.

Livery of Seizin, where necessary, shall be recorded, &c. with the Deeds, &c.

IX. *AND for the better quieting and avoiding of Suits, Be it Enacted, by the Authority aforesaid*, That all Writs of *Formedon in Discender*, *Formedon in Remainder*, and *Formedon in Reverter* of any Lands, Tenements, or other Hereditaments whatsoever, at any Time hereafter to be sued or brought, by Occasion or Means of any Title or Cause heretofore accrued, happened, or fallen, or which may hereafter happen, shall be sued and taken within Twenty Yeats next after the Title and Cause of Action first descended or fallen, and at no Time after the said Twenty Years; and that no Person or Persons that now hath, or have, or which hereafter may have any Right

Stat. 21 Jac.
 I. S. 1, 2.
 enacted.

Limitation of Writs of *Formedon in Discender*, *Remainder*, or *Reverter*, shall be brought within Twenty Years.

No Person shall make any Entry, but

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within 20
Years after the
Right or Title
accrued.

or Title of Entry into any Lands, Tenements, or Hereditaments, shall at any Time hereafter make any Entry, but within Twenty Years next after his or their Right or Title hath heretofore descended or accrued, or hereafter shall descend or accrue to the same: And in Default thereof, such Person so not entering, and their Heirs, shall be utterly excluded and disabled from such Entry after to be made.

Persons under the Age of 21, Feme Covert, Non Compos Mentis, Imprisoned, or out of this Colony, may sue within 10 Years after such Disabilities removed.

X. *PROVIDED nevertheless*, That if any Person or Persons that is or shall be entitled to such Writ or Writs, or that hath or shall have such Right or Title of Entry, be or shall be at the Time of such Right or Title first descended, accrued, come, or fallen, within the Age of One and Twenty Years, Feme Covert, *Non Compos Mentis*, Imprisoned, or out of this Colony; that then such Person and Persons, and his and their Heir or Heirs, shall or may, notwithstanding the said Twenty Years are expired, bring his Actions, or make his Entry, as he might have done before this Act, so as such Person and Persons, or his or their Heir and Heirs shall, within Ten Years next after his or their full Age, Discoverture, coming of sound Mind, Enlargement out of Prison, or coming into this Dominion, or Death, take Benefit of, and sue for the same, and at no Time after the said Ten Years.

All Writs of Right, &c. for Lands, &c. shall be brought within 30 Years.

32 Hen. 8.
Cap. 2. S. 1.

Se&. 2.

Se&. 3.

XI. *AND be it further Enacted, by the Authority aforesaid*, That no manner of Person or Persons shall from henceforth sue, have, or maintain any Writ of Right, or make any Prescription, Title, or Claim, to or for any Lands, Tenements, Rents, Annuities, or other Hereditaments, of the Possession of his or their Ancestor or Predecessor, but only of the Seizin or Possession of his Ancestor or Predecessor, which hath been, or now is, or shall be seized of the said Lands, Tenements, Rents, Annuities, or other Hereditaments, within Thirty Years next before the Teste of the same Writ, or next before the said Prescription, Title, or Claim, so hereafter to be sued, commenced, brought, made, or had: And that no manner of Person or Persons shall hereafter sue, have, or maintain any Assize of *Mort d'Ancestor*, *Cofinage*, *Ayel*, Writ of Entry upon Disseizin done to any of his Ancestors or Predecessors, or any other Action possessory upon the Possession of any of his Ancestors or Predecessors, for any Lands, Tenements, or other Hereditaments, of any further Seizin or Possession of his or their Ancestors or Predecessors; but only of the Seizin or Possession of his or their Ancestor or Predecessor, which was, or hereafter shall be seized of the same Lands, Tenements, or other Hereditaments, within Thirty Years next before the Teste of the same Writ hereafter to be brought: And that no Person or Persons shall hereafter sue, have, or maintain any other Action, Writ, or Suit whatsoever, for any Lands, Tenements, or other Hereditaments, of or upon his own Seizin or Possession therein, or of or upon the Seizin and Possession therein (a) of any other Person or Persons (whose Right he or they shall have) above Thirty Years next before the Teste of the same Writ hereafter to be brought.

Infant, &c. may sue within 10 Years after Incapacities removed.

XII. *PROVIDED nevertheless*, (b) That if any Person or Persons that is or shall be entitled to such Writ or Writs of Right, Assize of *Mort d'Ancestor*, *Cofinage*, *Ayel*, Writ of Entry upon Disseizin; or that hath or shall have such Right to make any Prescription, or to have or maintain any other Action, Writ, or Suit, as aforesaid, be or shall be at the Time of such Right or Title first descended, accrued, come, or fallen, within the Age of One and Twenty Years, Feme Covert, *Non Compos Mentis*, Imprisoned, or out of this Colony;

(a) The Sense of this Part of the Clause is hard to be understood.

(b) This Proviso has introduc'd a great Difficulty, in counting in a Writ of Right, where the Demondant is within the Benefit of the Saving.

that then such Person or Persons, and his and their Heir and Heirs shall or may, notwithstanding the said Thirty Years are expired, bring his Suit, or make his Prescription, Title, or Claim, as he might have done, if this Act had not been made, so as such Person or Persons, or his and their Heir and Heirs shall, within Ten Years next after his or their full Age, Discoverture, coming of sound Mind, Enlargement out of Prison, or coming into this Dominion, or Death, take Benefit of, and sue for the same, and at no Time after the said Ten Years.

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XIII. *PROVIDED always*, That all Persons that are now out of this Colony, and have any Pretence of Right, Title, or Claim, to any Lands, Tenements, or Hereditaments, within this Colony, where they, or those, under whom they claim, have not been in actual Possession thereof within the Space of Twenty Years last past, shall commence and prosecute their Suit for the Recovery thereof within Ten Years next coming after the last Day of May, which shall be in the Year of our Lord, One Thousand Seven Hundred and Eleven, and at no Time after the said Ten Years.

Persons out of the Colony, at the Time of making this Act, may sue within 10 Years after 31 May, 1711, & not after.

XIV. AND forasmuch, as the Right and Titles to Lands in this Colony, do originally and chiefly depend on, and are derived from Patents granted for the same: For Prevention of Controversies which hereafter may arise concerning the Validity of Patents for Land in this Colony formerly issued, which are not to be found among the Records in the Secretary's Office, or which have not been duly entred upon Record, or for which no Rights have been obtained, in the Manner prescribed by Law,

XV. (c) *BE it Enacted, by the Authority aforesaid*, That all such Patents for any Lands in this Colony, formerly granted by the Governor, or Commander in Chief thereof, for the Time being, shall be held, deemed, and taken, and are hereby declared to be, to all Intents, Constructions, and Purposes, as firm, valid, and available in Law, to convey and assure the Lands therein granted, unto such Person and Persons as the same shall have been granted unto respectively, and to their Heirs and Assigns for ever, now being in Possession thereof, as if such Patents had been legally entred upon the Records in the Secretary's Office, and as if the Rights had been in legal Manner obtained for the same, and duly entred upon the Records as they ought to have been; any Law, Statute, or Usage to the contrary thereof, in any-wise, notwithstanding.

Patents granted before this Act, confirmed;

XVI. AND upon the passing of any Patent for Land hereafter, the Secretary of this Colony and Dominion, for the Time being, is hereby required to cause such Patent to be truly entred upon the Records of his Office, together with the Certificate for Rights, either by Importation, or by Money paid to the Receiver-General of this Colony, whereupon such Patent shall have been obtained.

But all Patents hereafter to be passed, and all Certificates for Rights paid, shall be recorded in the Secretary's Office.

XVII. AND whereas, in and by Patents granted for Land in this Colony, *It is Provided*, That the Patentee or Patentees shall seat and plant the Land therein to him or them granted, within Three Years from the Date of the Patent. For the better and more certain understanding of the said Proviso,

Explanation of the Proviso in Patents.

XVIII. *BE it Enacted, by the Authority aforesaid*, That if upon a new Survey of Lands heretofore granted to any Person or Persons, there shall appear to be a greater Number of Acres within the Bounds expressed, than are

If, upon a new Survey, more Land shall be found within the Bounds of any former Patent

(c) This Clause seems to be useless.

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than is therein
expressed, the
Proprietor
may sue forth
a new Patent,
but needs not
make any new
Seating, &c.
on such sur-
plus Land.

Double Pa-
rents confirm-
ed, without
new Seating,
&c.

mentioned and set down in the Patent; in such Case, it shall be lawful for the Proprietor and Possessor of such Lands, for the Time being, to sue forth a new Patent for the same Lands, wherein the just Quantity of Land shall be more exactly set down: Yet nevertheless, such Proprietor and Possessor shall not be obliged to make any new Seating or Planting upon the said Land, for or by Reason of the Proviso in such new Patent; but the same shall enure and take Effect to his Benefit and Advantage, as fully and absolutely, to all Intents and Purposes, as if the said Proviso were not mentioned in such new Patent; any thing herein contained to the contrary thereof, in any-wise, notwithstanding. And that where any Person hath heretofore taken up any Tract or Parcel of Land adjoining to any other Tract of Land theretofore in the Possession of such Person, and shall thereupon have obtained a Patent, (commonly called a double Patent,) wherein both Tracts shall have been joined together; in such Case, all Patents heretofore so granted, shall be and are hereby declared to be valid and available in Law, to confirm the same to the Patentee and Patentees, and those claiming under him, her, or them, being in Possession thereof, to his, her, and their Heirs for ever, without making any new Seating and Planting, for or by Reason of Two Tracts being joined in One Patent, as aforesaid; any thing in the said Proviso in the Patent, contained to the contrary thereof, in any-wise, notwithstanding.

But Persons
hereafter su-
ing forth dou-
ble Patents,
shall seat, &c.

XIX. PROVIDED always, That nothing herein contained, shall be construed, deemed, or taken, to give Liberty to any Person or Persons hereafter to sue forth such double Patents, as aforesaid, and to enjoy the Lands therein granted, (by Virtue thereof,) without Seating and Planting that Part of the Land so taken up, and joined, as aforesaid, to the Land theretofore in his, her, or their Possession, according to the said Proviso in the Patent.

Persons fail-
ing to seat,
&c. shall lose
their Lands
and Rights.

Vid. 7 Geo. 1.
Cap. 2. S. 12.

XX. AND be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall hereafter obtain a Patent for any Tract of Land within this Colony, and shall fail to seat and plant the same within Three Years, according to the Proviso thereof, or shall fail to pay the full Quit-Rents for the Quantity of Land mentioned in his Patent, according to the Condition thereof, for the Space of Three Years; such Person or Persons shall not only lose the Land so granted, and not seated and planted, and for which the Quit-Rents shall be unpaid, during the Space aforesaid, but shall also forfeit and lose all Benefit and Advantage he might otherwise make by those Rights, upon which he obtained such Patent.

Lands shall
not be granted
as lapsed be-
fore the Ex-
piration of 3
Years after
the Date of
the Patent.

Method of
obtaining Pa-
rents for lap-
sed Lands.

XXI. AND be it further Enacted, That no Patent shall hereafter be granted to any Person or Persons for any Tract or Parcel of Land, as lost and forfeited, for want of Seating and Planting, or for not paying the Quit-Rents, as aforesaid, until Three Years shall be expired, from and after the Date of the first Patent granted for the same, or unless there shall be Three Years Quit-Rents in Arrear: Neither shall any Patent be granted, by Reason of such Forfeiture, until Judgment and Certificate obtained from the General Court, shall be procured for the same, in Manner following; (that is to say,) The Person desiring such Grant of forfeited Lands, shall first petition the Governor, or Commander in Chief of this Colony, for the Time being, and shall, in his Petition set forth, what County the Land lies in, and to whom it was formerly granted, for what Cause the same is become forfeited, and in what County the Grantee resides; and the said Petitioner shall, at the same Time, file a Copy of his said Petition in the Secretary's Office, whereupon it shall and may be lawful to and for the Clerk of the said Office, and he is hereby authorized and required to issue out a Writ to the Sheriff of the County where the Grantee resides, to summon the said Grantee to appear at the next succeeding General Court,

on

on a certain Day thereof, to shew Cause why such Land formerly granted to him, and by him forfeited, for want of Seating and Planting, or for Non-payment of the Quit-Rents, as the Case is, may not be granted to the Party petitioning for the same. Which Writ shall be served upon such Grantee, by the Sheriff, or Under-Sheriff of the respective County where he resides; and if, upon the Return thereof so served, the Grantee do not appear, or some other Person in his Behalf, and make sufficient Proof, that the Land petitioned for, hath been seated and planted, or that the Quit-Rents hath been duly paid for the same, as the Case is, then the General Court shall adjudge the said Lands to be forfeited and vested again in the Crown, and shall cause an Order or Judgment to be entred accordingly, and shall certify the same to the Governor, or Commander in Chief of this Dominion, for the Time being; and also, that it doth appear to them, that the then Prosecutor was the First Petitioner for the said Land, and hath pursued the same with Effect: Which Certificate shall entitle the Party obtaining the same to have a Patent for the said Lands, in the same Manner, and under the same Restrictions and Provisos, as Lands not before patented. And if there shall happen to be a greater Quantity of such forfeited Land, than shall be granted to the First Petitioner, then the Residue of such Land so forfeited, shall be granted to such other Person or Persons as shall petition for the same, under the like Restrictions and Provisos, and in the same Manner, as Lands not before patented, shall be granted.

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XXII. *PROVIDED always*, That if upon Trial it shall appear, that such Lands so petitioned for, as aforesaid, shall have been seated and planted by the First Patentee, or those claiming under him, before the exhibiting of such Petition; in that Case, such Seating and Planting, though not made within Three Years after the Date of the Patent, shall be adjudged, and is hereby declared to be a sufficient Seating and Planting to fulfil the Proviso aforementioned expressed in the Patent.

Lands saved before Petition exhibited, good.

XXIII. *PROVIDED always, and it is hereby Declared to be the true Intent and Meaning hereof*, That where any Person shall obtain a Patent for Land, and shall depart this Life within Three Years after the Date of the Patent, without Seating and Planting, or paying the Quit-Rents, according to the Condition and Limitation in his said Patent, and the Right of Inheritance to the said Land, shall descend to any Infant under the Age of One and Twenty Years, Feme Covert, or Person out of the Country; in that Case, the said Land shall not be adjudged to be forfeited for Non-payment of the Quit-Rents, or for not Seating and Planting thereon, until Three Years after the Death of such Patentee: And if the Guardian to such Infant under the Age of One and Twenty Years, or the Husband of the said Feme Covert, to whom the said Land shall descend, shall suffer the said Land to lapse and become forfeited, for want of Seating and Planting thereon, or for Non-payment of the Quit-Rents within the said Three Years, such Guardian and Husband respectively, and their Heirs, Executors, and Administrators, shall be liable to answer the full Value of the Land so forfeited, unto the Heir at Law, after his or her coming of Age or Discoveriture.

Lands descending to an Infant, Feme Covert, or Person out of the Country, shall not lapse, until 3 Years after the Death of the Patentee.

Guardian or Husband suffering Land to lapse, shall be answerable to the Heir.

Vid. 11 Ann. Cap. 4. S. 2. & 3.

XXIV. AND whereas, divers Persons in this Colony have entred for, and obtained Patents of Swamps, Marshes, and sunken Grounds, lying adjacent to the high Grounds of Persons theretofore patented, without the Knowledge or Privy of the Owner of such adjacent high Land, to the great Prejudice and Inconvenience of the Owners of such high Lands: For Remedy whereof for the future,

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Method of
obtaining Pa-
tents for
Swamps, Mar-
shes, & sunk-
en Grounds.

Notice shall
be given to
the Proprie-
tor, &c. of
the high Land
to which the
Marshes, &c.
are contiguous
and no Patent
shall be grant-
ed before the
Expiration of
1 Year after
Notice.

Notice may
be controvert-
ed in 5 Years,
and the *Onus
Probandi* lies
upon the Per-
son required
to give the
Notice.

Saving to In-
fants, &c.

XXV. *BE it Enacted, by the Authority aforesaid*, That no Person or Persons whatsoever, shall take up and patent any Swamps, Marshes, or sunken Grounds, lying contiguous to the high Land of any Person or Persons theretofore patented, until such Person or Persons, intending to take up and patent the same, shall, in the Presence of Two Witnesses, have given Notice of such his Intention, to the Proprietor and Possessor, for the Time being, in Possession of such high Land, and until One whole Year shall be fully expired from and after the Time of giving such Notice as aforesaid; and then it shall and may be lawful to and for such Person or Persons, (having given Notice, as aforesaid,) and to his, her, or their Heirs or Assigns, to take up and patent the same: In which Patent, shall be particularly expressed and set down, whether the Lands therein granted, are Swamps, Marshes, or sunken Grounds, and to whose high Lands they are adjoining. And all and every Patent and Patents which shall be obtained, contrary to the true Intent and Meaning hereof, are hereby declared to be, to all Intents, Constructions, and Purposes whatsoever, null and void, as if the same had never been made; any Law, Statute, or Usage to the contrary, notwithstanding. And if any Controversy shall thereafter arise concerning such Notice being given, within Five Years after such Person or Persons (having given Notice, as aforesaid) shall be in actual Possession of such Swamps, Marshes, or low Grounds, as aforesaid, the *Onus probandi* shall lie upon the Person who ought to have given the Notice; and if no such Controversy do arise in that Time, Five Years Possession shall be held and taken as good Proof that Notice was given, according to the true Intent and Meaning hereof.

XXVI. *PROVIDED always*, That nothing herein contained, shall be construed, deemed, or taken, to give Liberty to any Person or Persons to take up and patent any such Swamps, Marshes, or sunken Grounds, lying contiguous to the high Lands of any Feme Covert, Infant under the Age of One and Twenty Years, or any Person not being *Compos Mentis*, on Pretence, or by Virtue of Notice being given, as aforesaid, either to such Feme Covert, Infant, or Person *Non Compos Mentis*; or to the Husband, Guardian, or other Person, being in Possession thereof.

XXVII. AND whereas, through the Ignorance or Negligence of Surveyors in former Times, divers Persons have taken up and held greater Quantities of Land than are mentioned in their Patents or Deeds, (and for which they pay no Quit-Rents:) For quieting the Possessions of such Persons, and for preventing all Controversies that may hereafter arise by any Person or Persons pretending to take up the said surplus Land.

Method of
obtaining Pa-
tents for sur-
plus Land, &c.

Notice, as
before.

If the Posses-
sor, &c. does
not, within a
Year after No-
tice, obtain
Rights, & pay
the Quit-
Rents due af-
ter Publicati-
on of this Act,
the Person gi-
ving Notice,
may, at his

XXVIII. *BE it Enacted, by the Authority aforesaid*, That it shall not be lawful for any Person to enter for any Parcel of Land held of the Crown, for or by Reason of its being surplus Land, until the Party intending to take up and patent the same, shall have given Notice to the Person holding such Lands, in the like Manner as is herein before directed for Marshes, Swamps, and sunken Grounds, and until One whole Year shall be fully expired, from and after the Time of giving such Notice: And in Case the Possessor of the said Land shall not, within the said Year, obtain Rights for the said surplus Lands, and give an Account to the Sheriff of the County where the said Lands lie, of the just Quantity held by him, and pay all the Quit-Rents that shall be due for the same, from and after the Publication of this Act, it shall and may be lawful to and for the Person who gave the Notice, as aforesaid, to survey the said Lands at his own Charge, and to sue forth a new Patent for all the surplus Land that shall be found within the Bounds

of

of the Patent, Deed, or other Title, or Conveyance, by which the same is held; which Lands shall be granted to him, in the same Manner, and under the like Restrictions, Limitations, and Conditions, as Lands not before patented.

XXIX. *PROVIDED always*, That it shall be in the Power of the Patentee or Possessor, to assign and allot the surplusage Land to the Person claiming the same, in what Part of the Tract he pleases, in One entire Piece.

XXX. *PROVIDED also*, That if upon Notice given, as aforesaid, the Person in Possession shall, within the said Year, survey his Tract, and it be found that he hath no more Land than he pays Quit-Rents for, the Person giving such Notice, shall be liable to pay all the Charge of the said Survey, for his unjust Vexation, and be liable to an Action on the Case, for the same, at the Suit of the Party grieved; and that in all such new Surveys, an Allowance shall be made to the Patentee or Possessor, of Five Acres for every Hundred, for the Variation of Instruments.

XXXI. *AND* for preventing any Controversies that may hereafter arise about the Bounds of Lands held and possessed by the Inhabitants of this Colony, *Be it Enacted, by the Authority aforesaid*, That once in every Four Years, the Bounds of every Persons Land shall be processioned, (or gone round,) and the Land Marks renewed, in Manner following; (that is to say,) The Court of every County, at some Court between the First Day of *June* and the First Day of *September*, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Eleven, and so between the First Day of *June* and the First Day of *September*, in every Fourth Year thereafter, by Order of Court, shall direct the Vestry of each Parish within their County respectively, to divide their Parishes into so many Precincts, as to them shall seem most convenient for processioning every particular Persons Land, in their several respective Parishes; and to appoint the particular Times between the Last Day of *September* and the Last Day of *March* then next coming, when such Processioning shall be made in every Precinct; and also to appoint at least Two intelligent honest Freeholders of every Precinct, to see such Processioning performed, and take and return to the Vestry, an Account of every Persons Land they shall procession, and of the Persons present at the same, and of what Lands in their Precincts they shall fail to procession, and of the particular Reasons of such Failure: Which Order shall be signified in Writing to the Churchwardens of every Parish within every respective County in this Colony, by the Clerk of the Court, within Ten Days after the making thereof; and thereupon, the Churchwardens shall cause a Vestry to be summoned to meet within Ten Days after the Receipt of such Order, at which Vestry, the said Order of Court shall be exactly and punctually obey'd in every Particular; and thereupon Notice shall be punctually given by the Churchwardens at the Church or Chapel of the Parish, at least Three *Sundays* next before the same is to be performed, of the Persons and Times so appointed by the Vestry, for processioning in every several Precinct, as aforesaid; and also, the Vestry shall cause the Accounts of the Two honest Freeholders of every Precinct, made and returned to them, as aforesaid, to be registred in particular Books, to be kept for that Purpose, by the Clerk of the Vestry. And to prevent any Mistakes or Omissions that may happen in every such Register, the Churchwardens, in Presence of the Vestry of the Parish, shall examine the same, and compare them with the original Returns, within Six Months after such Return shall be made, from Time to Time, and shall accordingly certify the same, by setting their Hands to an Attestation thereof in the Register so by them examined and compared: And that no Person may pre-

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own Charge, survey, & set forth a Patent for all surplus Land, &c.

But the Possessor may assign the Surplus where he will, in one Piece.

And if, upon a Survey, no surplus Land be found, the Person giving Notice, shall pay all Charges, &c. Allowance of 5 per Cent. for Variation of Instruments.

Lands shall be processioned every 4 Years.

Between 1 June and 1 Septem. 1711, & every 4th Year thereafter, the Court of each County shall order the Vestry of every Parish therein, to divide the same into Precincts, & to appoint 2 Freeholders in each Precinct, to procession the Lands, &c.

Persons appointed, shall return an Account to the Vestry.

Clerk of the Court shall certify such Order to the Churchwardens within 10 Days, &c.

Notice of Persons and Times appointed for Processioning, shall be given at Churches, &c. 3 Sundays before.

Accounts returned, shall be registred in particular Books, examined & attested by the

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Churchwardens, in Presence of the Vestry, within 6 Months after Return.

If a Parish lies in several Counties, the Order of each Court shall be certified.

Penalties on Justices of every Court failing, 1000^{lb}. Tob. Vestrymen, 200^{lb}. Churchwardens, 500^{lb}. Clerk of the Court, 1000^{lb}. each, unless lawful Excuse be shewn.

How to be recovered & disposed of.

tend Ignorance of his Duty herein, the Vestries are also to direct what Precinct or Precincts in their Parish respectively, every particular Freeholder thereof shall attend and perform the Proceffioning, as aforesaid: And if any Parish shall happen to lie in several Counties, then the Orders of the Court of each County shall be signified, as aforesaid, to the Churchwardens thereof, as aforesaid, and shall also be obeyed by the Vestry, in Manner as is before directed; and if any County Court shall at any Time hereafter fail to perform their Duty herein, every Justice of the Peace in such County shall forfeit and pay the Sum of One Thousand Pounds of Tobacco; and if any Vestry shall at any Time hereafter fail to perform their Duty herein, every particular Member of such Vestry shall forfeit and pay the Sum of Two Hundred Pounds of Tobacco; and if any Churchwarden or Churchwardens shall at any Time hereafter fail to perform his or their Duty herein, every such Churchwarden shall forfeit and pay the Sum of Five Hundred Pounds of Tobacco; and if the Clerk of any Court shall hereafter fail to perform his Duty herein, such Clerk shall forfeit and pay One Thousand Pounds of Tobacco; which said Forfeitures shall be One Moiety to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government, and the contingent Charges thereof; the other Moiety to him or them that will inform or sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

Just Cause of Absence, &c. excuses the Party.

Penalty on any other Persons neglecting their Duty.

XXXII. *PROVIDED always*, That upon any Information brought, or Suit commenced, against any Justice of the Peace, Vestryman, or Churchwarden, for the Breach of this Act, if the Defendant or Defendants shall give sufficient Evidence to the Court where such Information or Suit shall be depending, that he was necessarily absent from such Court or Vestry, or that being there, he offered to do his Duty in Pursuance of this Act, then the Information or Suit shall be dismissed; and if any other Person, not having lawful Excuse, shall fail to perform his Duty herein, every such Person shall forfeit and pay the Sum of Five Hundred Pounds of Tobacco: To be recovered, with Costs of Suit, by the Churchwarden or Churchwardens of the Parish wherein such Forfeiture shall be incurred: To be applied for and towards the purchasing of Ornaments for the Church or Chappel of such Parish.

The Bounds of Lands proceffioned 3 Times, according to this Act, shall never be alter'd.

XXXIII. *AND be it further Enacted*, That the Proceffion of the Bounds of any Persons Land, at Three several Times of Proceffioning, in Manner aforesaid, shall be held, deemed, and taken, to be sufficient to settle the Bounds, so as the same may never thereafter be altered.

XXXIV. *AND* whereas divers Persons, Owners of Lands in this Colony, refuse to suffer their said Lands to be proceffioned, to the great Inconvenience and Damage of the Owners of Lands thereto adjoining: For Remedy whereof,

If any Person refuses to suffer his Land to be proceffioned, the County Court shall order the Surveyor to do it, with a Jury, at the Charge of the Person refusing.

XXXV. *BE it Enacted, by the Authority aforesaid*, That if the Owner of any Lands shall refuse to suffer his Lands to be proceffioned, pursuant to the Directions in this Act given, that then, and in such Case, the Two Freeholders appointed to proceffion the same, shall, within Ten Days after such Refusal, certify the same, under their Hands, to the Churchwardens of the Parish where the said Lands shall lie, who shall carry the said Certificate to the next Sitting of the Court, from which the Order for proceffioning the said Lands did issue; which said Court shall order the Surveyor of their County, with a Jury, to lay out and proceffion the Lands of the Person refusing to suffer

suffer his Lands to be processioned, at the Charge of the Person so refusing, and to return the Survey thereof, with the Proceedings, to the next Court after the Survey made; which Survey and Proceedings shall be recorded in the Records of the said County Court, and a Copy thereof shall, by the Clerk of the said County Court, be sent within Ten Days after the Return of the said Survey and Proceedings, to the Churchwardens of the Parish where the said Lands shall lie, and shall be registred in the Vestry-Book of the said Parish: And if the Lands of the Person refusing to suffer such Processioning to be made, shall happen to lie in more Counties than One, then a Certificate shall be made to each of the Courts of the said Counties, in Manner aforesaid; whereupon, the Court for the County, in which the Beginning of the Bounds of such Lands shall lie, shall order the Surveyor, with a Jury of their County, to survey and procession the whole Bounds of such Land, and the Sheriff of each of the said Counties to attend such Surveyor in their respective Counties; which Survey and Surveys, in Manner aforesaid made, shall be held, deemed, and taken, to be a sufficient processioning of the said Lands, to all Intents and Purposes, as if the same had been made and done, by and with the Consent of the Owner of the said Lands: And if any Justice of the Peace, Churchwarden, County Court Clerk, or other Person, shall fail to perform his or their Duty herein, not having lawful Excuse therefore, he and they shall forfeit and pay the like Penalties, as are before in this Act laid and given on such Justice, Churchwarden, Clerk, and other Person respectively, failing to do his and their Duty in the due Execution of this Act: To be recovered in like Manner, and to the Uses aforesaid.

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sing, and to return a Certificate of the Proceedings, &c. and such Survey shall determine the Bounds.

XXXVI. *PROVIDED always*, That the Procession and Settlement of the Bounds of any Lands belonging to any Person, being only Tenant for Life of the said Lands, shall not bar or conclude the Heir in Reversion or Remainder to the said Lands, but that such Heir may at any Time within Six Years after the Death of the Tenant for Life, controvert the said Bounds, as if such Procession and Settlement had never been made.

Heir in Reversion or Remainder may, within Six Years after the Death of Tenant for Life, controvert the Bounds, &c.

XXXVII. *PROVIDED also*, That the processioning and settling the Bounds of any Lands belonging to any Person, being within the Age of One and Twenty Years, Feme Covert, *Non Compos Mentis*, Imprisoned, or out of the Colony, shall not be conclusive to such Person, until after the Expiration of Six Years from and after the said several Incapacities shall be removed and determined.

Saving to Infants, &c.

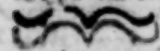
XXXVIII. AND whereas, by an Act of Assembly, made at a General Assembly, begun at the Capitol, the Twenty-Third Day of October, in the Year One Thousand Seven Hundred and Five, intituled, *An Act concerning the Granting, Seating, and Planting, and for Settling the Titles and Bounds of Lands; and for preventing unlawful Shooting and Ranging thereupon, It is, among other Things, Enacted*, That the Bounds of every Persons Land in this Colony shall be processioned, in Manner therein directed: In Pursuance of which said Act of Assembly, the Lands of several Persons in this Colony, have at great Charge and Trouble been processioned,

Recital of Part of the Act, 4 Anna, Cap. 21.

XXXIX. *BE it therefore Enacted, by the Authority aforesaid*, That all and every processioning of Lands which shall have been performed and made, in Pursuance of, and according to the Directions of the said Act, shall be held to be good, valid, and effectual; and that every Procession of Land which shall have been made and performed, in Pursuance of the said Act, in Manner thereby prescribed, shall be held, deemed, and taken, and is hereby declared to be One of the Three Times of processioning the said Land, by this Act,

Bounds of Land processioned, pursuant to the Act, 4 Anna, confirmed.

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of the said

Penalties on

Persons who

shall hunt,

or on other

Mens Lands,

or without

Licence.

Act, held, deemed, and taken, to be sufficient to settle the Bounds of Lands, so as the same may never thereafter be altered.

XI. AND be it further Enacted and Declared, That if any Person or Persons shall, at any Time hereafter, shoot, hunt, or range, upon the Lands and Tenements, or fish or fowl in any Creeks or Waters included within the Lands of any other Person or Persons, without Licence for the same first obtained of the Owner and Proprietor thereof, every such Person so shooting, hunting, fishing, fowling, or ranging, being thereof convicted, by Confession, or the Oath of One Witness, shall forfeit and pay, for every such Offence, the Sum of Five Hundred Pounds of Tobacco: To be recovered, with Costs, by the Person or Persons that shall be thereby aggrieved, to their proper Use, by Bill, Plaint, Information, or Action of Debt, in any Court of Record within this Dominion, in which no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and moreover, shall be liable to an Action at Common Law, wherein the Party grieved, shall recover his Damages. And if any Person shall be a Third Time convicted, in Manner aforesaid, of such shooting, hunting, fishing, fowling, or ranging, the Justices of that Court, over and above giving Judgment for the Forfeiture, as aforesaid, shall commit such Person to the common Goal, there to remain until he shall find sufficient Sureties to be bound with him in the Sum of Ten Pounds *Sterling*, for his good Behaviour for One Year then next coming; and if he shall, within that Time, be found guilty, by Confession, or the Oath of One Witness, of shooting, hunting, fishing, fowling, or ranging, as aforesaid, the same shall be, and is hereby Enacted and Declared, to be a Breach of the good Behaviour.

Repeal of
Cap. 21, 1705.

XII. AND be it further Enacted, That One Act of Assembly, made at a General Assembly, begun at the Capitol, the Twenty-Third Day of *October*, in the Year One Thousand Seven Hundred and Five, intituled, *An Act concerning the Granting, Seating, and Planting, and for Settling the Titles and Bounds of Lands; and for preventing unlawful Shooting and Ranging thereupon*, and all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XIV.

An Act for the further Restraint of Tippling Houses, and other disorderly Places.

Preamble.

Recital of
4 Annæ, Cap.
40.

I. W H E R E A S, by One Act of Assembly, made at Her Majesty's Roial Capitol, the Twenty-Third Day of *October*, in the Fourth Year of Her Majesty's Reign, intituled, *An Act for Regulating Ordinaries, and Restraint of Tippling Houses*, It is Enacted, That whosoever shall retail Liquors in their Houses, without Licence first had and obtained, according to the Directions of the said Act, shall forfeit and pay Two Thousand Pounds of Tobacco: Notwithstanding whereof, divers loose and disorderly Persons have found Means to evade the Intent of the said Law, by keeping strong Drink in their Houses, and selling the same out of Doors; and by setting up Booths,

Booths, Arbours, and Stalls, at Court Houses, Race Fields, General Musters, and other Public Places, where, not only the looser Sort of People resort, get drunk, and commit many Irregularities, but Servants and Negroes are entertained, and encouraged to purloin their Masters Goods, for supporting their Extravagancies: For Remedy of which Abuses, A. D. 1710.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Publication of this Act, no Person whatsoever shall sell by Retail, any Wine, Beer, Cider, Brandy, Rum, or Spirits, either in Houses, or Booths, Arbours, or Stalls, or any other Place whatsoever, unless such Person or Persons shall first obtain a Licence for so doing, in the Manner directed by the afore-recited Act of Assembly. And if any Person or Persons shall take upon them to retail any strong Liquors, without having first obtained such Licence for the same, every such Person or Persons so offending, shall be liable to all the Penalties and Forfeitures contained in the aforesaid Act, for selling Drink without Licence. Persons re-
tailing Li-
quors in Hou-
ses, Booths,
Arbors, Stalls,
&c. without
Licence, liable
to all the Pe-
nalties of 4
Ann. Cap. 40.

III. *PROVIDED always,* That nothing herein contained, shall be construed, deemed, or taken, to prohibit or restrain any Merchant, or other Person, to sell, in what Quantity he pleases, any of the aforementioned Liquors, not intended to be tippled or drunk out at the Houses, Stores, or Plantations, where the same are sold. Merchants
excepted.

C H A P. XV.

An Act for raising a Public Levy. E X P.

C H A P. XVI.

An Act to set free, Will., a Negro belonging to Robert Ruffin.
P R I V.

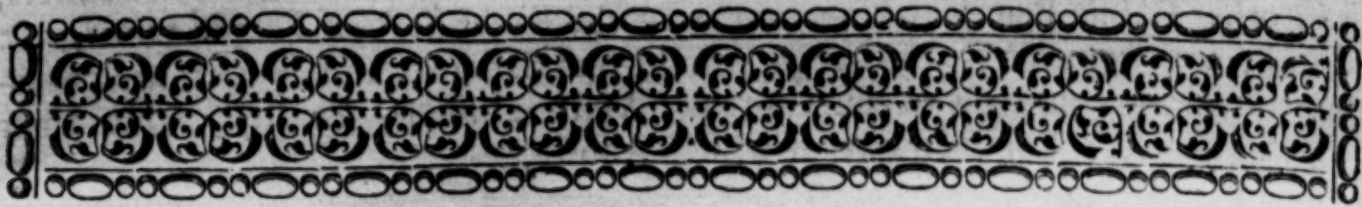
C H A P. XVII.

An Act to enable Elizabeth Harrison, Widow and Administratrix of Benjamin Harrison, late of the County of Charles-City, Gent. deceased, to sell certain Lands and Slaves, late the Estate of the said Benjamin, for Paiment of the Debts of the said Benjamin.
P R I V.

Sign'd by ALEXANDER SPOTSWOOD, Esq; Governor.

Peter Beverley, Speaker.

At



At a GENERAL ASSEMBLY, begun at the Capitol, the Twenty-Fifth Day of *October*, in the Ninth Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *Great-Britain, France, and Ireland*, Queen, Defender of the Faith, &c. *Annoq; Domini 1710*. And thence continued, by several Prorogations, to the Seventh Day of *November, Anno Dom. 1711*.

CHAP. I.

An Act for appointing Rangers. E X P.

CHAP. II.

An Act directing the Manner of granting Probats of Wills, and Administration of Intestates Estates.

County Courts have Jurisdiction in all Matters Testamentary, may take Proof of Wills, & grant Certificate to the Governor, &c. for Probate, or Administration *cum Testamento annexo*, & may determine the Right of Administration of the Estate of Persons dying Intestate.

I. **B** E it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the County Courts, and every of them, within their respective Counties, have and shall have lawful Jurisdiction and Authority to hear and determine all Causes, Matters, Suits, and Controversies Testamentary, which shall be brought before them; and that they have and shall have Power to examine and take the Proof of Wills, and to grant Certificates to the Governor, or Commander in Chief of this Colony and Dominion, for the Time being, or to his Deputy or Deputies appointed for that Purpose, being a Member or Members of the said Courts respectively, of the Proof of all such Wills, in order to obtain Probats thereupon, or Administration *cum Testamento annexo*, as the Case shall require; and to hear and determine the Right of Administration of the Estate of Persons dying Intestate, in Manner, and according to the several Methods, Rules, Orders, and Directions hereafter expressed and

and set down; (that is to say,) If any Person, having a Mansion-house, or other Place of known Residence and Abode within this Dominion, shall depart this Life, and shall have disposed of his or her Estate, or any Part thereof, by Will, such Will shall be proved in the Court of that County where such Mansion-house, or Place of Residence or Abode shall have been: And if such Person shall not have had any Mansion-house, or Place of Residence or Abode, as aforesaid, and shall have devised any Lands, by his Will in Writing, to any Person or Persons, then such Will shall be proved in the Court of that County wherein such Lands shall lie: And if such Person shall, by such Will, have devised Lands, lying in several Counties, and shall die in any one of those Counties, then the Will shall be proved in the Court of that County wherein he or she shall happen to die: And if such Person devising Lands, as aforesaid, shall die in another County, than where any of his or her said Lands shall lie, then the Proof of such Will shall be made in the Court of some one of the Counties where such Lands shall lie, and not in any other County: And the Proof of any Will once well and sufficiently made in any County, as is above directed, shall be and is hereby declared to be of the same Force, Effect, and Validity, for the disposing of Lands, or any other Estate, as if the same had been proved in every particular County where any Land, or other Estate, shall be. And if any Person shall depart this Life, having first made a Will, and the Executor or Executors therein named, shall all of them refuse the Executorship; in such Case, the same Court wherein the Will should or ought to have been proved, if the Executor or Executors had accepted and taken upon him, her, or themselves, to discharge the Trust, shall have Power and Authority to hear and determine to whom the Right of Administration ought to belong, and to grant Certificate for obtaining Letters of Administration, *cum Testamento annexo*. And if at any Time hereafter, the Will in Writing of any Person deceased, wherein Lands shall be devised, shall be exhibited in any of the said County Courts, and Motion shall be made, that such Will may be proved, then the Court so legally moved, according to this Act, shall appoint a Time for proving the said Will, and shall cause the next Heir at Law to the Testator to be summoned to appear and be present at the Time of such Proof, and to shew forth any thing that shall or may be lawfully alleged against such Proof: And if there shall be divers Heirs at Law, in equal Degree to the Testator, then every one of them shall be summoned, as aforesaid: And if no such Heirs be known, either to the Court, or the Party desiring such Proof, who shall declare the same upon Oath (which Oath, the Court is hereby impowered and required to administer,) then Proclamation shall be made by the Sheriff of the County, at the Court-house, at Two Courts successively; and he shall also set up Notes at every Church and Chappel in his County, of such Will being exhibited and desired to be proved, as aforesaid: And that the said Proof will be proceeded to, and compleated at the next Court which shall be held for the said County, after the Expiration of Forty Days from the making the last Proclamation.

II. *PROVIDED* always, That all Persons, who, at the Time of proving any Will at Common Law, as aforesaid, where they may be concerned in Interest, shall be under the Age of One and Twenty Years, Feme Covert, *Non Compos Mentis*, Imprisoned, or out of the Country, shall have Liberty to contest the said Proof at any Time within Ten Years after their several Disabilities and Incapacities shall be removed, and at no Time after the said Ten Years.

III. *AND be it Enacted*, That if any Person, having a Mansion-house, or other Place of known Residence or Abode within this Dominion, shall die Intestate; in such Case, the Court of that County wherein such Mansion-

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Method of
proving Wills
in County
Courts.

If the Executors refuse to prove the Will, the Court may grant Administration, *cum Testamento annexo*.

Method of
proving Wills,
whereby
Lands are de-
vised.

Persons who, at the Time of Probat, are under the Age of 21, Feme Covert, *Non Compos Mentis*, &c. may contest such Probat within 10 Years after Incapacities removed. Administration of Intestates Estates.

A. D. 1711.

shall be granted by the Court of that County wherein the Intestate had a Mansion-house, or Place of Abode, &c.

If an Executor or Administrator dies Intestate, not having fully administered, the same Court that granted Probate or Administration to such Executor or Administrator, may commit Administration of the Goods not administered.

Probate of Wills, or Commissions of Administration, shall enable Executors or Administrators to sue for, and recover all the Estate, &c.

Who shall be entitled to Administration.

31 Edw. 3. Cap. 11. Vid.

If no Will is exhibited, or Administration claimed, at the next Court held after the Expiration of 30 Days from any Person's Death, the Court may grant Administration to whom they think fit.

But if a Will is afterwards produced and proved, or any

house, or Place of Residence, shall be, and not any other County Court, shall have full Power and Authority to hear and determine the Right of Administration upon the Estate of such Intestate, and to grant Certificate for obtaining Letters of Administration thereon, in Manner aforesaid. And if such Person dying Intestate, shall not have had any Mansion-house, or Place of Residence or Abode, as aforesaid, then Certificate for obtaining an Administration upon his or her Estate, shall be granted by the Court of that County wherein such Person shall have died, and not in any other County. And if it shall so happen, that any Executor shall die Intestate, not having fully performed his Executorship; or any Administrator shall depart this Life, not having fully administered the Goods of the Intestate; in every such Case, it shall and may be lawful for the Court, that granted the Certificate for obtaining such Probate, or Commission of Administration, to hear and determine the Right of Administration, and to grant Certificate for obtaining Letters of Administration of the Goods not administered to such Person, as by this Act shall have Right thereto.

IV. *AND be it further Enacted*, That a Probate of any Will, or a Commission of Administration granted and issued, upon a Certificate from any County Court within this Dominion, pursuant to, and in Manner prescribed by this Act, shall impower and enable the Executor and Executors, Administrator and Administrators therein named and appointed, and every of them, to sue for, recover, and receive, by all lawful Ways and Means whatsoever, all and singular the Goods and Chattels Real and Personal, and all and every the Estate and Estates of their and every of their Testator and Testators, Intestate or Intestates, in like Manner, as they might or could do within the several Counties where such Certificate for obtaining Probates, or Commissions of Administration, shall be granted respectively.

V. *AND be it further Enacted*, That where any Person shall die Intestate, or where the Executor or Executors, and every of them, shall refuse to execute the Will of the deceased; in such Case, the County Court, as aforesaid, shall have full Power and Authority to hear and determine the Right of Administration, and accordingly to grant Certificate for obtaining Commission of Administration upon the Estate of such Intestate, or Administration *cum Testamento annexo*, upon the Estate of such Testator, whose Executors shall refuse, as aforesaid, in Manner following; (that is to say,) First to the Husband or Wife of the deceased, if any be; and if none such, then Secondly, to the Child or Children, or their legal Representatives, if any be; and if none such, then Thirdly, to the Parents, Father and Mother, if any be; and if none such, then Fourthly, to the Brothers and Sisters, if any be; and if none such, then Fifthly, to the next of Kin, as Uncles or Aunts; and in Case they fail, to any others of more remote Degree.

VI. *AND be it further Enacted*, That if, upon the Death of any Person, there shall not any Will be exhibited to be proved, or some Motion made, for the legal Proceedings, in order to obtain a Certificate for a Commission of Administration to be granted to any of the Kindred of the deceased, before, or at the next Court which shall be held after the Expiration of Thirty Days from the Party's Decease, in such County where such Certificate ought by this Act to be granted; then it shall and may be lawful to and for the said Court to grant a Certificate for obtaining Administration of the Estate of such Deceased to any other Person, as the said Court, in their Discretion, shall think fit.

VII. *PROVIDED always*, That if any Will shall afterwards be exhibited, and a Probate thereupon be desired, or if any of the deceased's Kindred

dred (not having before refused) shall appear and pray Administration upon his or her Estate; in such Case, Certificate for obtaining a Probat of the Will, or an Administration of the Estate, shall be granted to such Person or Persons as shall lawfully desire the same, in like Manner, as if any other Administration had never been granted.

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of the Intestates Kindred (not having before refused) pray Administration. Such former Commission revoked. Persons having the Will of any deceased in their Custody, &c. may be summoned, and compelled by the Court to produce such Will.

VIII. *PROVIDED also*, That nothing herein before-mentioned shall be construed to disable any Court from summoning any Person or Persons whatsoever, having the Will of a Person deceased in his, her, or their Custody or Possession, to exhibit the same to the Court, in order to a legal Probation thereof; but that any Person or Persons may be compelled, by Summons, or other lawful Process, as the Court shall think fit, to produce such Will, being in his, her, or their Possession, for the just and legal Proceedings to be had thereupon; any thing herein, or in any other Act, or any Law, Custom, or Usage to the contrary hereof, in any-wise, notwithstanding.

IX. *AND* all Probats, Commissions of Administration, and of Administrations *cum Testamento annexo*, as the several Cases shall require, issued upon Certificate granted according to this Act, signed by the Governor, or Commander in Chief of this Colony, for the Time being, and sealed with the Seal of the Colony, or signed by such other Person or Persons, being One or more of the Magistrates in Commission of the Peace, and authorized by Commission for granting Probats from the Governor, or Commander in Chief of this Her Majesty's Colony and Dominion, for the Time being, and sealed with the Seal of the Court where the same shall be granted, (which Seal the Court is hereby impowered and required, at the Charge of the County, to provide,) shall be, and are hereby Enacted and Declared to be, to all Intents and Purposes, good and effectual in Law, to impower and enable the Executors and Administrators therein named, to possess themselves of the Estates of their Testators or Intestates, and to act and do all other Matters and Things, by Virtue thereof, as any Executor or Administrator may or might lawfully do, by any Ways or Means whatsoever.

Probats and Commissions of Administration shall be signed by the Governor, or Persons by him authorized, sealed, &c. and shall enable Executors & Administrators to possess themselves of the Estate of their Testator or Intestate.

X. *AND be it further Enacted*, That before any Person or Persons shall obtain a Probat of any Will, or a Commission of Administration of any Estate shall be granted to any Person or Persons, so as such Administrator or Administrators shall be thereby legally qualified to act, the said Executors or Administrators, and every of them respectively, as the Case shall require, shall take the following Oaths; (to wit,)

Executors & Administrators, before granting Probat, or Administration, shall be sworn.

The Oath of an Executor.

YOU shall Swear, *That this Writing contains the true Last Will of the within named A. B. deceased, as far as you know or believe; and that you will well and truly perform the same, by paying first his Debts, and then the Legacies contained in the said Will, as far as his Goods, Chattels, and Credits, will thereunto extend, and the Law charge you; and that you will make a true and perfect Inventory of all the said Goods, Chattels, and Credits.*

Oath to be taken by Executors.

So help you God.

The Oath of an Administrator.

YOU shall Swear, *That A. B. deceased died without any Will, as far as you know or believe; and that you will well and truly administer all and singular the Goods, Chattels, and Credits, of the said deceased, and pay his Debts, as far as his Goods, Chattels, and Credits, will thereunto*

Oath of Administrators.

A. D. 1711. extend, and the Law require you; and that you will make a true and perfect Inventory of all the said Goods, Chattels, and Credits, as also a just Account, when thereunto required. So help you God.

XI. AND for the better securing the Estates of Persons deceased, or which shall hereafter depart this Life,

Bond with sufficient Sureties, for their faithful Administration, where required.

XII. *BE it Enacted*, That where the Court shall have Ground to suspect, either from their own Knowledge, or the Suggestions of the Creditors or Legatees of any Person deceased, that the Executor or Executors of the Testator will indirectly and fraudulently administer the Estate to the Prejudice of the Creditors or Legatees therein concerned; as also wherein any Administrations are to be obtained, as aforesaid, there shall not be granted to any such Executor or Executors so suspected, a Certificate for obtaining the Probat of any Will, or a Commission of Administration of any Estate, to any Person or Persons whatsoever, until such Executor or Executors, Person or Persons, shall have given such sufficient Security, either of the Inhabitants of that County, or any other, as the Court shall approve (Respect being had to the Value of the Estate) for his, her, or their faithful and true Administration of such Estates; which Security shall be bound to the Justices of the Court, and to their Successors, in a Bond, with one of the following Conditions; (to wit,)

The Condition of the Bond to be given by Executors and Administrators, with the Will annexed.

Condition of the Bond to be given by Executors and Administrators, with the Will annexed.

THE Condition of this Obligation is such, *That if the above bound A. B. Executor of the Last Will and Testament of C. D. deceased, [or Administrator, with the Will annexed, of all the Goods, Chattels, and Credits, of C. D. deceased,] do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels, and Credits, of the said deceased, which have or shall come to the Hands, Possession, or Knowledge of him the said A. B. or into the Hands or Possession of any other Person or Persons for him, and the same so made, do exhibit, or cause to be exhibited, into the County Court of N. at such Time as he shall be thereto required by the said Court; and the same Goods, Chattels, and Credits, and all other the Goods, Chattels, and Credits, of the said deceased at the Time of his Death, which at any Time after shall come to the Hands or Possession of the said A. B. or into the Hands or Possession of any other Person or Persons for him, do well and truly administer, according to Law; and further, do make a just and true Account of his Actings and Doings therein, when thereto required by the said Court; and also do well and truly pay and deliver all the Legacies contained and specified in the said Testament, as far as the said Goods, Chattels, and Credits, will thereunto extend, according to the Value thereof, and the Law shall charge him: Then this Obligation to be Void and of none Effect, otherwise to remain in full Force and Virtue.*

The Condition of the Bond to be given by Administrators.

Condition of an Administration Bond.

THE Condition of this Obligation is such, *That if the above bound A. B. Administrator of all the Goods, Chattels and Credits, of C. D. deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels, and Credits, of the said deceased, which have or shall come to the Hands, Possession, or Knowledge of him the said A. B. or into the Hands or Possession of any other Person or Persons for him; and the same so made, do exhibit, or cause to be exhibited, into the County*

Court

Court of N. at such Time as he shall be thereto required by the said Court, and the same Goods, Chattels, and Credits, and all other the Goods, Chattels, and Credits, of the said deceased, at the Time of his Death, which at any time after shall come to the Hands or Possession of the said A. B. or into the Hands or Possession of any other Person or Persons for him, do well and truly administer, according to Law; and further, do make a just and true Account of his Actings and Doings therein, when thereto required by the said Court: And all the Rest and Residue of the said Goods, Chattels, and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed by the Justices of the Court, for the Time being, shall deliver and pay unto such Person or Persons respectively, as the said Justices by their Order or Judgment shall direct, pursuant to the Laws in that Case made and provided. And if it shall hereafter appear, that any Last Will and Testament was made by the said deceased, and the Executor or Executors therein named do exhibit the same in the said Court, making Request to have it allowed and approved accordingly, if the said A. B. being thereunto required, do render and deliver up his Letters of Administration, Approbation of such Testament being first had and made in the said Court: Then this Obligation to be Void, and of none Effect; otherwise to remain in full Force and Virtue.

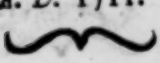
XIII. AND it is hereby Enacted and Declared, That the said Bonds shall be good and valid, to all Intents and Purposes therein mentioned; and that in the Name of the Justices, to whom such Bond shall be made payable, and of their Successors, the same may and shall be prosecuted against the Parties therein bound, and every of them, at the Costs and Charges in the Law of the Party injured: And that the said Bonds, or any of them, shall not become void upon the first Recovery had upon them; but if any Person shall thereafter, find him or her self aggrieved by the Misbehaviour of the Executor or Executors, Administrator or Administrators, therein named, then he or she so aggrieved, may commence Suit, as aforesaid, upon such Bond, and shall recover, as if no Process had theretofore issued upon such Bond; and so Process upon such Bonds may issue, and Judgment thereupon shall be given, *toties quoties*, until the Will of the Testator therein mentioned be fulfilled, (as far as lies in the Executors to fulfil the same,) or the Administration of the Estate therein mentioned, be justly and truly performed and compleated, or else that One or more Judgment or Judgments shall be given for the full Sum expressed for the Penalty in the said Bond; which said Bond may be put in Suit in the County Court, before which the same was entred into; any Law, Custom, or Usage to the contrary thereof, in any-wise, notwithstanding.

The Bonds shall be payable to the Justices of the Court, & their Successors, & shall not become void upon the 1st Recovery, but may be prosecuted, until the Estate be fully administered, or Judgment obtained for the Penalty.

XIV. AND if any Person or Persons nominated and appointed to be the Executor or Executors of any Person deceased, shall make legal Proof of such deceased Person's Last Will and Testament, and upon the Court's suspecting such Executor or Executors of indirect or fraudulent Administration and Management of the Testator's Estate, either for Reasons suggested to them by the Creditors or Legatees therein concerned, or upon their Knowledge; and thereupon the said Executor or Executors being ordered by the Court to give Security, and failing, either at the Time of such Proof made, or within Two Months after, to give such Bond and Security, as is before directed, for his, her, or their true and faithful Administration of the Estate of such Person deceased, according to his or her Will; such Failure shall be construed, deemed, and taken in Law, to be a Refusal to accept the Executorship and Administration *cum Testamento annexo*, shall or may be granted in the Man-

Executors being ruled by the Court to give Security, and refusing so to do in 2 Months, Administration, with the Will annex'd, shall be granted to the next of Kin, &c.

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Estates shall be inventoried and appraised, and a true and perfect Inventory return'd to the next Court &c. by the Executor or Administrator upon Oath.

XV. AND that the Value of all Decedents Estates may be the better known, and an Account thereof the more justly kept, every Person or Persons being appointed Executor or Executors, Administrator or Administrators, of any, or Part of any Estate whatsoever, and having a Certificate for obtaining Probat, or Commission of Administration granted unto him, her, or them, for the same, shall, at the next Court after the obtaining of such Certificate, upon his, her, or their corporal Oath, exhibit a true and perfect Inventory, as far as in them lies, of all and every Part of the Estate whereof the Executorship, or Administration shall be to him, her, or them, committed: And if it so happen, that such a full and perfect Inventory, as is directed, cannot be made in the Time hereby mentioned, upon reasonable Cause to them shewn, the Court may allow such further Time for exhibiting such Inventory, as to them shall seem necessary.

Court to appoint 3 Appraisers, who shall be sworn, &c. to value the Estate.

How far Appraisements shall be binding. Vid. 3 & 4 Geo. 2. C. 8.

Every Appraiser shall be paid 30 lb. Tobacco per Diem.

XVI. AND the Courts shall cause Appraisements of all Decedents Estates to be made in Money, as soon as Possible, by at least Three good and lawful Men upon Oath, and in the same Order, whereby the Court shall order such Appraisement; they shall also appoint the Appraisers, and nominate one or more of the Justices of their County, to administer an Oath to the said Appraisers, for their true and just valuing the Estate, according to the best of their Judgment, (which Justices so nominated, or any One of them, shall be and is hereby fully empowered to administer such Oath;) and accordingly the same shall be held and deemed to be lawfully administered, and to enure and to take Effect, as firm and valid in Law, to the Purposes mentioned. Every One of which said Appraisers shall be paid Thirty Pounds of Tobacco for every Day he shall attend to make such Appraisement.

Where any Person shall die whilst his Crop is on the Ground, unfinished, the Servants and Slaves employed in the Crop, shall continue on the Plantation till 25th December, &c.

This Clause explained by the Act 3 & 4 Geo. 2. C. 8.

After 25 December, the Slaves shall be delivered to the Heir, &c. according to 4 Anna, C. 23.

XVII. AND for preventing all Disputes that may arise concerning the Right to Crops upon the Ground, *It is hereby Enacted and Declared*, That where any Person or Persons shall die Intestate, whilst his Crop of Indian Corn, Wheat, or other Grain, or Tobacco is on the Ground, unfinished, or dying Testate, shall not have otherwise directed, all and every Servant and Slave, employed in the said Crop at the Time of such Decease, shall be continued on the Plantations, and employed in the Crop or Crops respectively, until the Five and Twentieth Day of *December* then next coming; and that then the said Crop shall be deemed and taken to be Assets in the Executors or Administrators Hands, to be valued by Appraisers to be appointed, in the same Manner as they shall be for the other Part of the deceased Person's Estate; any Law, Custom, or Usage to the contrary, notwithstanding. And the Slaves employed in the said Crop, as aforesaid, shall, after the said Five and Twentieth Day of *December*, be delivered to such Person or Persons to whom the same is declared to belong, by an Act of Assembly, made at a General Assembly, begun at the Capitol, the Twenty-Third Day of *October*, in the Year One Thousand Seven Hundred and Five, Intituled, *An Act declaring the Negro, Mulatto, and Indian Slaves, within this Dominion, to be Real Estate.*

Executor or Administrator shall not be answerable for any Slave dying before 25 December.

XVIII. *PROVIDED* always, and it is the true Intent and Meaning of *this Act*, That no Executor or Administrator shall be answerable for the Price of any Negro, or other Servant or Slave, which shall happen to die before the said Twenty-Fifth Day of *December*, although such Negro, or other Servant or Slave, shall be put into the Inventory of the deceased Person's Estate.

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XIX. *PROVIDED always*, That if any Person shall hereafter depart this Life, leaving an Estate more than sufficient to pay all Debts due from the same, such Person shall and may have Liberty to settle his or her Estate by Will, in such Manner as he or she shall think fit; and may also direct, that the same shall not be appraised; and every such Will shall be held vaild, according to the true Intent thereof: And the making a true Inventory of the Estate of such Person, without proceeding to appraise the same, shall be held a sufficient Compliance with this Act.

Where any Person dies, leaving Estate more than sufficient to pay all Debts, the Estate need not be appraised, but the returning an Inventory shall be sufficient.

In what Cases no Security shall be demanded of Executors.

XX. *PROVIDED also*, That if any Person or Persons already departed this Life hath, or any Person or Persons who shall hereafter depart this Life, shall by Will bequeath his or her Estate to his or her Children, and make them, or such of them as are of Age, Executors of such Will; or bequeath his or her Estate to the Husband or Wife, or to his Wife and Children, and make them, or either of them, as aforesaid, Executors; or in Case there be no Husband, or Wife, or Children, such Person dying, shall by Will make any Person or Persons whatsoever his or her Executor and Residuary Legatee, or where the Testator shall by his Will direct, that his Executor or Executors shall not be obliged to give Security; in all or either of the aforesaid Cases, no Security shall be demanded of such Executor or Executors, nor of any Person or Persons, who shall by any Testator be appointed Executor or Executors in Trust, *Durante minori Aetate* of his Children, where he shall by his Will have made his said Children Executors, and ordered that his Estate shall be preserved in Kind, and the Profits thereof redound to the Benefit of such Children at their coming of Age; any thing in this Act, to the contrary thereof, in any-wise, notwithstanding.

XXI. *AND provided likewise*, That nothing herein contained, shall be construed to abridge or restrain the Power of Executors over their Testators Estates, before, or until Probat of the Will, or Commission of Administration, with the Will annexed, is obtained, as fully and amply, as if this Act had never been made.

This Act shall not abridge the Power of Executors, before Probat or Administration granted.

XXII. *AND* that the Wills of Persons deceased may be the better preserved, *Be it Enacted*, That all Original Wills shall remain in the Clerk's Office amongst the records of the several respective Counties, where they shall be proved, whereto any Person, whose Occasions shall so require, may have Recourse, as to the other Records: Except for the Time it shall be removed by Direction of any Superior Court. And that unto every Probat, granted upon Certificate from any Court, there shall be annexed a true Copy of the Will, whereupon such Probat shall be granted.

Wills shall remain among the Records of the Court where they are proved.

XXIII. *PROVIDED always, and it is hereby declared to be the true Intent and Meaning hereof*, That in all Cases Testamentary, where the Decedent shall have left Estate, Real or Personal, of the Value of Fifty Pounds *Sterling*, or upwards, in divers Counties within this Colony, it shall and may be lawful for the General Court of this Dominion, upon Motion made to them by the Executor or Executors of such Person dying Testate, or by the Person or Persons who hath the Right of Administration of the Estate of any Person dying Intestate, or whose Executors shall refuse to take upon them the Trust, to take the Proof of Wills, and to hear and determine the Right of Administration, and thereupon to grant Certificate for obtaining a Probat or Administration, or Administration, with the Will annexed, as the Case is. And that in all Cases, where Wills are exhibited to be proved in the General Court, the Court shall assign a certain Day of the next succeeding

General Court may grant Probat or Administration, where the Value of the Estate Real & Personal amounts to 50l. *Sterl.* or upwards, in divers Counties, &c.

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General Court, for proving the same; and shall direct Summons to the Heir or Heirs at Law, in the same Manner as is directed for the County Courts. And wherever Proclamation is by this Act made requisite, for Summoning any Heir or Heirs, the General Court shall cause such Proclamation to be publicly affixed in their Court-house; and shall also cause Proclamation to be made in the County where the Testator died, after the same Manner as is directed upon proving the Will in the County Court.

How Probats and Administrations granted in the General Court shall issue.

XXIV. THAT all Probats of Wills, and Commissions of Administration, granted upon Certificate obtained in the General Court, shall issue under the Seal of the Colony, and shall be signed by the Governor or Commander in Chief of this Dominion, for the Time being, or by the President of the Council, for the Time being, or by such Member or Members of the said Court, as shall be commissioned for that Purpose, by the Governor, or President respectively. And that the Forms of all Oaths and Bonds, required by this Act of Executors or Administrators for the due Discharge of their Trust, shall be the same as is directed for the County Courts, *mutatis mutandis*.

If the General Court grants Certificate for Administration, without taking sufficient Security, every Member of them shall be liable for the Damages, &c.

XXV. PROVIDED always, That where the General Court shall grant Certificate for obtaining the Administration of any Estate, and shall fail to take sufficient Security for the same; in that Case, the Members of the said Court, granting such Certificate, and every of them, shall be liable to pay such Loss and Damage, as shall accrue by reason of such Failure, in the same Manner as the Justices of the County Court in the like Case should have been.

For preventing Disputes occasion'd by Debts contracted in the Life-time of the Testator or Intestate for Commodities to be paid in Specie.

XXVI. AND forasmuch, as by this Act, it is before directed, that all Decedents Estates shall be appraised in Money; and for that it often happens, that several Debts are contracted in this Colony for certain Quantities of Tobacco, or other Commodities in Specie, which may sometimes be of greater or lesser Value than ordinary, which may occasion Disputes between Executors or Administrators, and the Creditors of their Testators, or Intestates, concerning the Payment of such Debts: For Prevention whereof,

Where Judgment shall be recovered on Suits brought against Executors, &c. for Debt contracted by the Testator, &c. for any Commodity in Specie, the Court, upon Motion and Oath of the Executor, &c. shall value the Commodity in Money, and give Judgment according to such Valuation.

XXVII. BE it Enacted, by the Authority aforesaid, That if a Debt, contracted by any Person deceased, in Tobacco, Corn, Wheat, Beef, Pork, or other kind of Commodity, shall be recovered by Suit at Law against his or her Executor or Executors, Administrator or Administrators, and there shall not, at the Time of such Recovery, be so much of the Commodities so contracted for, belonging to such Decedent's Estate, in the Hands of his or her Executor or Executors, Administrator or Administrators, or any of them; then, upon the Motion of any such Executor or Administrator, against whom Recovery shall be had, as aforesaid, and Oath made, that there is not a sufficient Quantity of the Commodities so contracted for, belonging to the Decedent's Estate in the Hands of any of the Executors or Administrators, to satisfy the Debt so to be recovered in Specie, the Court, before whom such Motion and Oath shall be made, shall Value the Commodity contracted for, according to the best of their Judgment, in Money; and accordingly shall give Judgment for the same, to be paid in Money, (and not in Specie,) out of the Estate of the Person deceased; any Law, Usage or Custom, or any Obligation; Contract, or other Matter or Thing whatsoever, to the contrary thereof, in anywise, notwithstanding.

County Court Clerks shall, in April & October, Yearly, return to the Secretary's

XXVIII. AND be it further Enacted, That the Clerk of every County Court, shall every Half-year, viz. in April and October, return to the Secretary's Office a List of all Certificates for obtaining Probats or Administrations granted in their respective Counties, containing the Names of the Testators,

tators or Intestates, the Executors or Administrators, and the Names of the Securities; which Lists the Secretary of this Colony is hereby required to cause to be recorded Alphabetically in his Office, in Books kept for that Purpose.

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Office, a List of Certificates granted in their respective Courts, for Probats, or Administrations, &c. Repeal of all former Acts relating to any Matter herein.

XXIX. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof, as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby Repealed and made Void, to all Intents and Purposes, as if the same had never been made.

CHAP. III.

An Act for building a Prison for Debtors to be committed by the General Court.

I. **W**HEREAS it is found very inconvenient, that when Defendants are brought in Custody from several remote and distant Parts of this Colony to the General Court, by Writs issued out of the Office of the said Court, for want of Bail for their Appearance; and at the Return of such Writs or Appearing, cannot give Special Bail to such Actions on which they are arrested, or after Judgment obtained against them in Custody, on which they ought immediately to be in Execution, there is at present no Prison or Place to which such Defendants can properly be committed,

Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and by the Authority of the same*, That as soon as conveniently may be, after the passing of this Act, One Lot or Half Acre of Land lying in the City of *Williamsburg*, and in the County of *York*, as near as may be to the Place where the Colony Goal for Criminals now stands, be set apart and appropriated for a Place whereon a Prison shall be built; and that so soon as conveniently may be after the Time aforesaid, there shall be made and erected on the said Lot, a good substantial Building of Brick, well and sufficiently strengthened and secured with Timber and Plank, Iron Work, and other Materials, so as to make the said Building strong, and sufficient for the safe keeping of Prisoners, out of the Monies which shall be levied and raised by an Act of Assembly of this Colony, intituled, *An Act for laying a Duty on Liquors and Slaves*, after the Monies already appropriated out of the said Duty are levied and paid.

Land to be purchased in *Williamsburg*, and appropriated for a Prison to be built thereon.

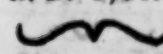
III. *AND be it further Enacted, by the Authority aforesaid*, That the Honourable the Lieutenant-Governor, or the Governor, or Commander in Chief of this Colony and Dominion, for the Time being, is empowered and desired to contract and agree with any Person or Persons, for the erecting, building, and finishing the Prison aforesaid; and to issue his Warrant upon the Treasurer of this Dominion, for the Time being, for any Sum or Sums of Money which may be wanted, for the building and finishing the said Prison, out of the Monies which shall be raised for the said Use, not exceeding Two Hundred Pounds.

Governor empowered to contract with Undertakers for the building, &c. not exceeding 200l.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the said Prison so erected and built, shall from thenceforth be called, The General

The General Court Prison for Debtors.

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Sheriff of
York County
appointed
Keeper of the
Prison, &c.

ral Court Prison for Debtors; of which said Prison, the Judges of the General Court, or the greater Part of them, are hereby authorized and impowered to lay out and appoint Rules.

V. *AND be it further Enacted*, That the Sheriff of the County of York, for the Time being, shall be and is hereby appointed to be Keeper of the said Prison, and shall constantly attend the said Court; and is hereby impowered and required to receive and take into his Custody all and every Person and Persons which shall by the said Court be committed to him on mean Process, or in Execution in any Civil Cause or Action, or for any Contempt of the said Court; and such Person and Persons in the said Prison to detain and keep, until he, she, and they shall be thence lawfully discharged; and to take and receive of all such Prisoner and Prisoners so committed to his Custody, such Fee and Fees as are settled and allowable by Law.

Keeper's Salary, &c. shall be paid by the General Assembly.

VI. *AND be it further Enacted, by the Authority aforesaid*, That there shall be satisfied and paid to the said Sheriff of York County, for his Care and Pains in keeping the said Prison, and looking after the Prisoners committed to his Custody, and for his Attendance on the General Court, such Allowances, Disbursements, and Accounts, as shall be thought reasonable by the General Assembly of this Dominion.

6d. per Diem to be allowed for insolvent Prisoners.

VII. *AND be it further Enacted, by the Authority aforesaid*, That if any Prisoner who shall be committed to the Custody of the said Sheriff, or Keeper of the said General Court Prison for Debtors, shall be so indigent and poor, that he or she be not of Ability to maintain and subsist him or herself in the said Prison; then, and in such Case, there shall be allowed and paid to such Sheriff, as Keeper of the said Prison, for the Relief and Subsistence of such poor Prisoner, the Sum of Six Pence by the Day, for every Day such poor Prisoner shall remain and be in his Custody; to be levied and paid by the General Assembly of this Dominion.

But no Fee or Security shall be by them given to the Prison Keeper.

VIII. *PROVIDED always*, That no Fee, or Security for a Fee, shall be paid or given by such poor Prisoner to such Sheriff, as Keeper of the said Prison, on any Account or Pretence whatsoever; nor shall it be lawful for such Sheriff, as Keeper of the said Prison, or his Under-Sheriff, or any Person whatsoever, to detain or keep in his Custody such poor Prisoner, for not having paid his or her Fees due, or pretended to be due to him, by Reason of his being Keeper of the said Prison.

Method of obtaining Judgment against Defendants in Custody, &c.

IX. *AND* for the more easy and speedy obtaining of Judgment against any Person or Persons who shall be a Prisoner or Prisoners in the aforesaid Prison of the General Court for Debtors, *Be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful to and for any Person or Persons who hath or shall have any Cause of Action against any Prisoner or Prisoners, who shall be committed to the said Prison after entering an Action, and filing or entering a Declaration in such Action, with the Clerk of the General Court, and delivering a Copy of such Declaration to any such Defendant or Defendants, in any Personal Action or Actions, at least One Month before the Day of the General Court to which the said Action is entered, and Affidavit made of such Delivery of such Copy of such Declaration, before One of the Judges of the said Court; unless such Defendant or Defendants shall enter, or cause to be entered a Plea to such Declaration, with the aforesaid Clerk of the General Court, at least Three Days before the Day of the Court to which the said Action shall be entered, to obtain Judgment in such Action against such Defendant or Defendants; any Law, Statute, Act of Assembly

sembly, Usage, or Custom to the contrary thereof, in any-wise, notwithstanding. *A. D. 1711.*

CHAP. IV.

An Act to enable Francis Yeates, of the County of Richmond, to convey certain entailed Lands to John Tayloe, Gent. in Lieu of other Lands and Negros of greater Value, to be settled to the same Uses. PRIV.

CHAP. V.

An Act to enable John Custis, and Frances, his Wife, to sell a Mill, with certain Lands and Negros, which are entailed on the said Frances, by the Last Will and Testament of Daniel Parke, Esq; deceased, for Paiment of the Debts and Legacies of the said Daniel. PRIV. Confirmed
by Her Majesty
in Council.



Signed by ALEXANDER SPOTSWOOD, Esq; Governor.

Peter Beverley, Speaker.



ALEXANDER
SPOTSWOOD,
Esq; Gover-
nor.

At a GENERAL ASSEMBLY, begun at the Capitol, the Twenty-Second Day of October, in the Eleventh Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of Great-Britain, France, and Ireland, Queen, Defender of the Faith, &c. Annoq; Domini 1712.

CHAP. I.

An Act for continuing an Act, intituled, An Act for Security and Defence of the Country, in Times of Danger. E X P.

CHAP. II.

An Act to continue an Act, intituled, An Act for appointing Rangers, and for increasing their Pay. E X P.

CHAP. III.

An Act for continuing an Act, intituled, An Act for laying a Duty on Liquors and Slaves, &c. E X P.

CHAP.

C H A P. IV.

An Act to prevent Land lapsing from Infants, for not seating and planting, or not paying Quit-Rents, until Three Years after they come of Age.

I. ~~*****~~ **W** ~~*****~~ **H E R E A S** the Provision made, in an Act made at a General Assembly, begun at the Capitol, the Twenty-Fifth Day of October, in the Ninth Year of the Reign of Her Majesty Queen Anne, intituled, *An Act for settling the Titles and Bounds of Land, and for preventing unlawful shooting and ranging thereupon*, hath not sufficiently answered the Damage and Inconveniencies that may happen to Infants under the Age of Twenty One Years, for not seating and planting Lands belonging to such Infants, or for not paying Quit-Rents for such Lands, according to the Directions of the said Act: And to the End, the Lands of Infants may be secured to them from being forfeited for not seating and planting, or not paying Quit-Rents,

Preamble.

9 Anne
C43. S. 23.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That where any Person shall obtain a Patent for Land, and shall depart this Life within Three Years after the Date of the Patent, without seating and planting, or paying the Quit-Rents, according to the Condition and Limitation in his said Patent, and the Right of Inheritance in the said Land shall descend or come to any Infant under the Age of Twenty One Years: In such Case, the Court of the County in which the Parent, or Ancestor, of such Infant shall depart this Life, is hereby required to take Security of the Guardian or Guardians of such Infant, duly to answer and pay the Yearly Quit-Rents for all the Land that shall descend to such Infant, and Yearly to inquire how the same is performed.

When the Patentee dies within Three Years after the Date of his Patent, without seating, &c. & the Lands descend to an Infant, the Guardian compellable by the County Court, to give Security for Paiment of the Quit-Rents, &c.

III. **A N D** for the more effectual obliging the Guardians of all Infants to perform their Trust in the Premises, *Be it Enacted*, That where there shall not be sufficient Distress found upon the Land of any Infant, to satisfy the Quit-Rents due for the same, it shall and may be lawful to and for the Sheriff of the County to distrain the Goods and Chattels of such Guardian or Guardians, for the Paiment of the said Quit-Rents: And if it shall happen, that either through Neglect of the County Courts to take such Bonds, or of the Sheriffs to make Distress in Manner aforesaid, the Quit-Rents for the Lands of Infants shall not be paid, nor any seating or planting made thereon, the said Land shall not be forfeited for not seating and planting thereon, or for not paying the Quit-Rents for the same, until Three Years after such Infant shall attain to the Age of Twenty One Years: And if such Lands so descending or coming to such Infant, shall be seated and planted, and the Quit-Rents due for the same, from the Date of the Patent, shall be paid within Three Years after such Infant shall attain to the Age of Twenty One Years, the Seating and Planting, and Paiment of Quit-Rents made within the Time aforesaid, shall be adjudged, deemed, and taken, and is hereby declared to be a good and sufficient Performance of the Condition and Limitation in the said Patent expressed; any Law, Custom, or Usage to the contrary thereof, in any-wise, notwithstanding.

And if Distress is not found upon the Land of any Infant, to satisfy the Quit-Rents, the Sheriff may distrain the Goods, &c. of the Guardian. But if by Neglect of the Court, or of the Sheriff, the Quit-Rents are not levied, the Land shall not lapse, until 3 Years after the Infant has attained his full Age of 21.

A. D. 1712.

But if the Inheritance descends to a Female, and she marries before the Age of 21, the 3 Years shall commence from the Time of Coverture.

IV. *PROVIDED* always, and it is hereby declared to be the true Intent and Meaning hereof, That if the Inheritance in any Lands not seated and planted, or for which Quit-Rents have not been paid, according to the Condition and Limitation in the Patent, shall descend to any Heir or Heirs Female, and such Heir or Heirs Female shall marry before she or they attain the Age of One and Twenty Years: In such Case, the Three Years hereby allowed for seating and planting, or paying the Quit-Rents, shall be accounted from the Time of such Coverture, and not otherwise; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

C H A P. V.

An Act for appointing Rolling-Houses and Public Landings, and ascertaining the Prices of Storage.

Preamble.

I. **W**HEREAS it is expedient that proper Places be appointed in each County of this Colony, where Tobacco, and other Goods and Merchandizes may be kept safe, and without Damage, in order for Transportation; as also Places for Public Landing,

All Houses now built, & used as Rolling-Houses, not being above 1 Mile from a Public Landing, shall be continued, by the Proprietors; and in Case of Failure, may, by the County Courts, be granted to other Persons, &c.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That all Houses now built and used as Public Rolling-Houses, not being distant from a Public Landing above the Space of One Mile, shall be and are hereby confirmed and continued, and shall be constantly kept up and maintained by the respective Proprietors thereof; and in case of Failure therein, it shall and may be lawful for the Courts of the respective Counties to grant the same to any other Person that shall be willing to build a Rolling-House thereon, in the Manner hereafter directed: And all Landings now used as Public Landings for the shipping of Tobacco, or unloading other Goods, or Merchandizes, are hereby continued and confirmed: And where Public Rolling-Houses are already built, not being within a Mile of a Public Landing, it shall and may be lawful for the County Courts to order new Rolling-Houses to be erected on the same Rolling Roads, not distant from a Public Landing above Half a Mile.

For the Convenience of the Upper Inhabitants,

III. *AND* for the Convenience of the Inhabitants on the Heads of great Rivers, and other remote Plantations on the South Side *James River,*

Courts may appoint public Landings, or Rolling-Houses on any Person's Land, & may summon the Owner or Guardian, &c. & order Rolling-Houses to be erected, not above Half a Mile distant from the Landing, to be by them appointed.

IV. *BE it also Enacted,* That where Public Rolling-Houses and Landings are not already set out and built, it shall and may be lawful for the Courts of the respective Counties, upon the Application of the Inhabitants, for such Landings or Rolling-Houses to be appointed on the Land of any Person or Persons whatsoever, to summon the Owner of the said Land; or if the Owner be under Age, or out of the Country, the Guardian or known Attorney, as the Case is, to appear and shew Cause why a Public Rolling-House should not be erected on the said Land, or a Public Landing set out and appointed: And if, upon Examination, they shall find that the Rolling-House petitioned for, is convenient and necessary, to order and appoint a House to be built thereon for a Public Rolling-House, by the Owner, Guardian, or Attorney, as aforesaid, so as such Rolling-Houses built, or to be built,

built, be not distant from a convenient Landing Place above the Space of Half a Mile; and also to direct and appoint such Place or Places, convenient for Boats, Sloops, and other Vessels to come to, in order to land or take on Board such Tobacco, or other Goods, as shall or may be brought thereunto, to be Public Landings.

A. D. 1712.
ed for a Public Landing.

V. *AND be it further Enacted, by the Authority aforesaid, That if any Owner or Owners of any House now built and used for a Public Rolling-House, or the Owner or Owners of any Land appointed by any of the said County Courts for a Place whereon to build a Public Rolling-House, his, her, or their Guardian or Guardians, Attorney or Attorneys, shall refuse to suffer or let such House be made use of for the Purpose aforesaid, or to build a good and convenient Rolling-House on the Place appointed by such County Court for the same to be built on, within One Year after the Time of such Appointment made; that then, and in such Case, upon the Petition of some Freeholder or Freeholders of the County where the said House is, or Land lies, it shall be lawful for such County Court, and they are hereby required to order and appoint Three or more good and lawful Men of their County, upon their Oaths, to value and appraise the said House so appointed, together with Half an Acre of Land next adjoining thereto; or to value and appraise Half an Acre of the Land so appointed for a Place whereon to build a Rolling-House: Which Value of the House and Half Acre, or of the Half Acre of Land appointed for a Place whereon to build a Rolling-House being paid, or lawfully tendered to the Owner or Owners thereof, and Return of the said Order and Appraisement to the County Court made, the Freeholder or Freeholders petitioning, as aforesaid, shall be and are hereby declared to be vested in the House and Half Acre of Land, or in the Half Acre of Land appointed for a Place whereon to build a Rolling-House, to him and them, his and their Heirs for ever, upon Condition, that he and they, his and their Heirs and Assigns, keep and maintain upon the said Half Acre of Land, such a convenient Rolling-House, as the said County Court shall, from Time to Time, direct and appoint; or otherwise the said Half Acre of Land to revert to the former Proprietor thereof, his Heirs and Assigns, or to such other Person as will build and maintain a sufficient Rolling-House thereon.*

If the Owner, &c. refuses to build, &c. within 1 Year, the Court shall appoint 3 Persons to value any Rolling-House already built, & Half an Acre of Land adjoining, or Half an Acre of Land whereon to build; & any Freeholder of the same County, paying or tending the Value of the Land, &c. to the Owner, shall be seised, &c. upon Condition to keep and maintain a Rolling-House, otherwise the Land to revert, &c.

VI. *PROVIDED always, That the House so to be appointed from Time to Time by such County Court, be not a Dwelling-House, or any Out-House, Edifice, or Building to a Dwelling-House contiguous and belonging or appertaining; and that the Half Acre of Land so to be appointed by such County Court, for a Place whereon to build a Rolling-House, be not, at the Time of such Appointment, the Garden, Orchard, or Court-Yard to any Dwelling-House belonging or appertaining.*

But the Courts have no Power to take away Houses, Orchards, &c.

VII. *PROVIDED also, That the Proprietor of such Half Acre appointed for building a Rolling-House, having no Land adjacent, shall keep no Hogs, nor other Stock, upon the said Half Acre, but what shall be constantly kept within a sufficient Fence upon the said Half Acre, on Penalty of paying Five Shillings current Money for every Head of Horses, Mares, neat Cattle, Sheep, Goats, Hogs, Shoats, or Pigs, that shall at any Time be found at large upon any of the adjacent Lands; to be paid to the Owner of such Land, and cognizable by a Justice of the Peace of the County where the Trespass shall be committed.*

Keeper of a Rolling-House shall not keep any Horses, Cattle, Swine, &c. upon the Half Acre, but such as shall be kept inclosed, on Penalty of 5 s. for every Beast found at large upon the adjacent Lands, &c. Rates of Storage.

VIII. *AND be it also further Enacted, by the Authority aforesaid, That there shall be paid and satisfied to the Owner or Owners of such Rolling-House, by the Owner or Owners of such Tobacco, or other Goods, or*

Mer-

A. D. 1711.

Merchandizes, which shall be lodged and kept therein for Storage for the same, the Rates and Prices following; *viz.* For every Cask containing Sixty Gallons, or upwards, and every Bale or Parcel of the like or greater Bulk, Twelve Pence for the First Day, or for the first Three Months, and Six Pence for every Month afterwards; and for every Cask under Sixty Gallons, and every Bale or Parcel of a less Bulk than a Sixty Gallon Cask, Six Pence and Three Pence respectively for every Month, as aforesaid; and for all Grain not packed in Cask, which shall be brought to and lodged in the said Rolling-Houses, the Price of Storage shall be after the Rate of Twelve Pence for Sixteen Bushels, and so proportionably for a lesser or greater Quantity, for the First Day, or for the first Three Months, and Six Pence for every Month afterwards: Which several Rates and Prices shall be paid and satisfied before such Tobacco, Goods, or Merchandizes, so lodged in the said Rolling-Houses, shall be taken out or moved therefrom.

Penalty on
Keepers of
Rolling-Hou-
ses, refusing to
receive Mer-
chandizes, or
suffering
Goods, &c. to
be damaged.

IX. *AND* be it also further Enacted, by the Authority aforesaid, That if any Person, who shall be Owner or Keeper of such Public Rolling-House, shall refuse to take in and keep in such Rolling-House any Tobacco, Goods, or Merchandizes, which shall be rolled or brought to such House; every Person so refusing, shall be liable to satisfy, make good, and pay to the Owner or Owners of such Tobacco, Goods, and Merchandizes, all such Damages as he or they shall sustain, by Reason of the said Tobacco, Goods, or Merchandizes, not being received and kept in such Rolling-House: And the Owner or Keeper of such Public Rolling-House shall be liable to an Action at Common Law, for any Tobacco, Goods, or Merchandizes, which shall be lost out of such Rolling-House, and for any Damage which shall or may happen to such Goods, Merchandizes, or Tobacco, during the Time they shall be in the Custody, or under the Care of such Owner or Keeper of such Rolling-House, for want of due Care, or by the Neglect of the Owner or Keeper of such Rolling-House, his Servant or Servants, to the Owner or Owners of such Tobacco, Goods, or Merchandizes.

Persons ag-
grieved by
any Order of
Court, made
in Pursuance
of this Act,
may appeal,
&c. This Act
explained &
amended, 7
Geo. 1. C. 7.

X. *PROVIDED* always, That if any Person or Persons shall think him or themselves aggrieved by any Judgment or Order which shall be given by any County Court, for any Matter or Thing done in the Execution of this Act, it shall and may be lawful to and for such Person and Persons to appeal from such Judgment or Order to the General Court.

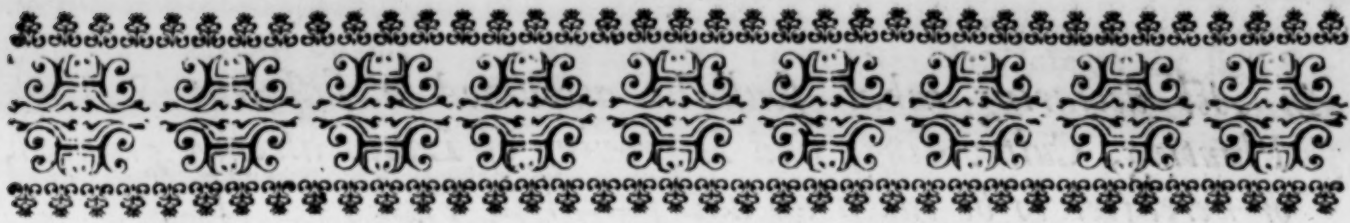
C H A P. VI.

An Act for raising a Public Levy. E X P.

C H A P. VII.

An Act to enable William Manley, Gent. to sell and dispose of certain entailed Lands and Tenements lying in the County of Westmoreland, on settling other Lands and Tenements lying in the said County, of which he is seised in Fee, to the same Uses. P R I V.

At



At a GENERAL ASSEMBLY, begun and holden at *Williamsburg*, the Twenty-Second Day of *October*, 1712, in the Eleventh Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *Great-Britain, France, and Ireland*, Queen, Defender of the Faith, &c. And thence continued, by several Prorogations, to the Fifth Day of *November*, 1713; being the Second Session of this present General Assembly.

ALEXANDER
SPOTSWOOD,
Esq; Govern-
or.

CHAP. I.

An Act for preventing Frauds in Tobacco Paiments, and for the better improving the Staple of Tobacco.

Repeal'd by
Proclamation
November 12,
1717.

CHAP. II.

An Act for continuing an Act for appointing Rangers; and an Act to continue an Act for appointing Rangers, and for increasing their Pay; and also to impower the Lieutenant-Governor to disband the Rangers, and to apply the Pay appropriated for them, to any other Use which he shall think fit, for the better Security of the Frontiers. E X P.

A. D. 1713.

C H A P. III.

An Act declaring what shall be accounted a sufficient Seating, Planting, Cultivating, and Improving of Lands already granted, or hereafter to be taken up and patented.

Preamble.

HER E A S the Queen's Most Excellent Majesty, for the better Cultivating and Improving of Lands, within this Her Majesty's Colony, hath, by her Roial Instructions, been pleased to direct, That in all Grants of Lands hereafter to be made, due Regard be had to the profitable and unprofitable Acres; and that every Patentee be obliged, in the best and most effectual Manner, to cultivate and improve Three Acres, Part of every Fifty so granted, within the Term of Three Years after the Passing of such Grant; and hath also signified her gracious Permission, that a Law be passed here, conformable to Her Majesty's said Instructions. And whereas, great Part of the Lands now to be taken up in this Colony, are so barren, that the same cannot be cultivated and tended, with any Profit to the Owner, until first improved and manured; and others are so stony and rocky, that no Person will patent the same, except upon the Prospect of the Mines and Quarries which may be found therein; and many other Tracts are full of Marshes, Swamps, and sunken Grounds, unfit, either for Cultivation or Pasturage, without being first cleared and drained: To the End therefore, that sufficient Encouragement may be given for taking up, as well the unprofitable as profitable Lands within this Dominion, for the Encrease and Advancement of Her Majesty's Revenue of Quit-Rents, and for the Benefit of Her Majesty's Subjects,

Lands intended to be patented, shall be laid out by sworn Surveyors.

The Breadth of each Tract shall be proportionable to $\frac{1}{3}$ of the Length, &c. And a Plat of every Survey shall be return'd to the Secretary's Office, by the Surveyor, who is to certify the Quantity of barren and plantable Acres, &c.

2 Thirds of all Lands survey'd before 31st Octob. 1713, shall be accounted barren.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That no Survey of Lands shall hereafter be made, in order to the obtaining a Patent, unless the same be made by a sworn Surveyor, duly commissioned for that Purpose: And that in all such Surveys, the Breadth of the Tract or Dividend so laid out, bear at least the Proportion of One Third Part of the Length, except where the Courses thereof shall be interrupted by Rivers, Creeks, or unpassable Swamps, or by the Bounds of Lands theretofore taken up or patented: And upon all Surveys hereafter to be made, every Surveyor is hereby required and enjoined, to take particular Notice, according to the best of his Judgment and Understanding, how much of the Land so surveyed is plantable, and how much thereof is barren and unfit for present Cultivation; and accordingly to insert, in the Survey and Plat by him returned into the Secretary's Office, the true Quantity of each kind of Land.

III. *AND* whereas divers Tracts of Land, have been hitherto surveyed for fundry Persons, who have not yet obtained Patents, in which Surveys no Distinction is made between plantable and barren Lands; nor can the same be known without Re-surveying such Land, which would be very chargeable and expensive to the Persons claiming the same, *Be it therefore Enacted,* That for all Lands surveyed before the Last Day of October, One Thousand Seven Hundred and Thirteen, One Third Part of the Tract mentioned in each Survey shall be accounted plantable, and the other Two Thirds shall be accounted barren.

IV. *AND*

A. D. 1713.

IV. *AND be it further Enacted*, That for every Fifty Acres of the said Land accounted plantable, contained in the Tract mentioned in the Patent, the Patentee shall be obliged, within Three Years after the Date of the said Patent, to clear, tend, and work Three Acres at the least, and so proportionably for a greater or lesser Quantity, in some Part of the said Tract where he shall judge most convenient and advantageous; or else to clear and drain Three Acres of Swamp or sunken Grounds, or drain Three Acres of Marsh, if any such be within the Bounds of his said Tract: And for every Fifty Acres of the said Land accounted barren, as aforesaid, every such Patentee shall be obliged to put and keep on the said Tract of Land, within Three Years after the Date of his Grant, the Number of Three Neat Cattle, or Six Sheep or Goats, and shall be obliged to keep the said Number of Neat Cattle, Sheep or Goats, on the said Tract of Land, until Three Acres for every Fifty be fully improved, cleared, and tended.

For every 50 Acres of plantable Lands, the Patentee shall, within 3 Years, clear, &c. 3 Acres, or drain 3 Acres of Marsh, &c.

And for every 50 Acres of Barrens, shall put and keep on the Lands, &c. 3 Neat Cattle, or 6 Sheep or Goats.

V. *AND be it further Enacted, by the Authority aforesaid*, That if any Person shall take up a Tract of Land, wherein there shall be no Part fit for present Cultivation, without manuring and improving the same, every such Patentee shall be obliged, within Three Years after the Passing such Grant, to erect and build on some Part of the said Tract, One good Dwelling House, after the Manner of *Virginia* Building, to contain at least Twenty Foot in Length, and Sixteen Foot in Breath; and also, to put and keep thereon, the like Number of Three Neat Cattle, or Six Sheep or Goats, at the least, for every Fifty Acres of the said Land. And where any Person shall take up and patent any stony or rocky Grounds, not fit for Planting or Pasturage, if such Patentee shall, within Three Years after the Passing of his Grant, begin to employ thereon, and so continue to work for Three Years then next coming, in digging of any Stone Quarry, Coal, or other Mines, One good able Hand for every Hundred Acres of the said Tract; such Improvement shall be accounted and taken to be a sufficient Seating, Planting, and Cultivation, within the Meaning of this Act.

On Lands unfit for Cultivation, &c. the Patentee shall build, &c.

And in rocky or stony Grounds, shall dig a Stone Quarry, or a Mine, & continue the Work Three Years, by one able Hand for every 100 Acres.

VI. *PROVIDED always*, That every Three Acres of Land which shall be cleared, tended, and worked, as aforesaid; and every Three Acres which shall be cleared and drained, as aforesaid, shall be accounted a sufficient Seating, Planting, Cultivation, or Improvement, to save, for ever, from Lapsing, Fifty Acres of Land, in any Part of the Tract contained within the Bounds of the same Patent; and the Patentee, his Heirs and Assigns, shall at all Times thereafter be at Liberty to withdraw his Stock, or to forbear working in any Quarry, or Mine, in Proportion to such Cultivation and Improvements, as shall be made upon the plantable Lands, or upon the Swamps, sunken Grounds, and Marshes, which are included in the same Patent.

After Lands are saved, the Patentee, &c. may withdraw his Stock, &c.

VII. *AND* whereas divers of Her Majesty's Subjects, before Her Majesty's Pleasure was publicly notified concerning the granting of Lands, were at great Charge and Trouble in Taking up and Surveying divers Tracts of Land, in Expectation of Grants thereof, upon the Conditions of Seating and Planting, required by the Laws and Usages of this Colony then in Force, and must now relinquish their Pretensions to the said Lands, with the entire Loss of all their Charges thereon, unless some further Time be given for the Improving and Saving the same, *Be it therefore Enacted, by the Authority aforesaid*, That for all Lands entered for, and surveyed, before the Eighth Day of *December*, in the Year One Thousand Seven Hundred and Ten, and for which, Patents shall hereafter be sued out, there shall be allowed Five Years after the Date

5 Years allowed to save Lands surveyed before 8 Dec. 1710, &c.

A. D. 1713.

of the Patent to each Patentee, to make such Seating, Planting, Cultivation, or Improvement thereon, as are herein before prescribed and set down respectively.

Patentee of Lands lapsed, may reserve so much as he has saved, & allot the Residue in any part of his Tract, in one Piece.

VIII. *AND be it further Enacted*, That when any Land is sued for, as lapsed, there shall be reserved to the Patentee such Quantity of his Tract of Land, as he shall prove to have made a Cultivation and Improvement sufficient to save the same, according to the Directions of this Act; and that it shall be in the Power of the Patentee or Possessor of such Land, to allot the Residue of the Land which shall be found to be lapsed, to the Person claiming the same, in any part of the Tract, in One entire Piece.

But for Lands formerly granted, no farther Improvements necessary than were then required by Law.

IX. *PROVIDED always*, That nothing herein contained, shall be construed, deemed, or taken, to oblige the Patentee of any Lands heretofore granted, to make any further or other Cultivation and Improvement thereon, than was required by the Laws or Instructions in Force, at the Time of obtaining the Grant thereof.

This Clause Repealed.

X. *PROVIDED nevertheless*, That every Patentee shall be obliged duly to pay the Quit-Rents for the said Lands; and that upon Failure of Payment thereof, for the Space of Three Years, at any Time after the Date of his said Patent, all the Estate, Right, and Title of such Patentee shall be determined and utterly void, and the said Lands, and every Part thereof, shall revert to Her Majesty, her Heirs and Successors, notwithstanding the same shall have been seated, planted, cultivated, and improved, in the Manner above expressed.

C. 13. 1710. Sect. 21.

XI. *PROVIDED also*, That in all Grants hereafter to be made, of Lands forfeited, for not complying with the Condition and Limitation in the first Grant thereof, the same Proceedings shall be had, as in and by One Act of Assembly, made at a General Assembly, begun and held at the Capitol, the Twenty-Fifth Day of *October*, in the Ninth Year of Her Majesty's Reign, intituled, *An Act for settling the Titles and Bounds of Lands, and for preventing unlawful Shooting and Ranging thereupon*, are directed and prescribed.

Patentee may prove the seating, &c. in the General Court or County Court, & such Proof certified to the Secretary's Office, & there recorded, shall be good Evidence, &c.

XII. *AND be it also Enacted, by the Authority aforesaid*, That when any Person, who hath heretofore taken up and patented, or shall hereafter take up and patent any Land, shall have seated, planted, cultivated, or improved the said Land, or any Part thereof, according to the Directions above in this Act prescribed and laid down, such Patentee may make Proof of such Seating, Planting, Cultivation, and Improvement, in the General Court, or in the Court of the County where such Land shall lie, and have such Proof certified to the Secretary's Office, and there entred, with the Record of the said Patent; a Copy of which, shall be admitted as good Evidence on any Trial, to prove the Seating and Planting of such Land.

Lands sav'd, according to this Act, shall not be forfeited, &c.

XIII. *AND be it further Enacted*, That all Lands hereafter seated, planted, cultivated, or improved, according to the Directions, and within the Time in this Act mentioned, shall not be deemed or taken to be forfeited, for not complying with the Condition of Cultivating and Improving, mentioned in the Grant thereof.

XIV. *AND to the End*, Her Majesty may be fully informed, how far the several Clauses and Provisos in this Act contained, are agreeable to Her Majesty's Roial Intentions, before the same be put in Execution, *Be it Enacted*,
That

That this Act shall commence and be in Force from and after the First Day of *December*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fourteen, unless Her Majesty shall be pleased, in the mean Time, to signify Her Disapprobation or Disallowance thereof.

A. D. 1713.

Commence-
ment of this
Act.

C H A P. IV.

An Act for registering Births, Christnings, and Burials.

I. **W**HEREAS it is judged convenient, that an exact and regular Account of all Persons who shall be born, christned, or buried in this Colony, should be kept, and an Act, made at a Grand Assembly, held at *James City*, the Twenty-Third Day of *March*, in the Year One Thousand Six Hundred Sixty Two, requiring, among other Things, *Registers of Births and Burials* to be kept, hath for a long Time been disused, and the Method prescribed in the said Act, hath not answered the End for which it was intended,

Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this General Assembly, and it is hereby Enacted, by the Authority of the same*, That from and after the Twentieth Day of *April*, next after the End of this Session of Assembly, the Parents of every Child which shall be born Free, or One of them, and the Master, Owner, or Overseer of every Child which shall be born a Slave, shall, within Twenty Days after the Birth of such Child or Children, give Notice, in Writing, of the Birth of such Child and Children, together with the Name of the Parents of such Free-born Child, and the Name of the Owner or Master of such Child born in Slavery; and shall distinguish whether such Child or Children be Male or Female, to the Minister of the Parish where such Child or Children shall be born; and if there shall be no Minister of the said Parish, then, and in such Case, the Notice shall be given, as aforesaid, to the Clerk of the said Parish, or of the Church or Chapel nearest to the Place where such Birth and Births shall be: And if any Parent of a Child born Free, or the Master, Owner, or Overseer of any Child which shall be born a Slave, shall neglect or refuse to give such Notice, within the Time herein before limited for doing thereof, every Parent, Master, Owner, and Overseer, so neglecting or refusing, shall forfeit and pay Two Hundred Pounds of Tobacco for every Offence.

Notice of
the Birth of
Children shall
be given with-
in 20 Days, to
the Minister
or Clerk of
the Parish, on
Penalty of
200 lb. Tob.

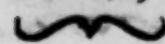
III. *AND be it also Enacted, by the Authority aforesaid*, That from and after the said Twentieth Day of *April*, the Master or Mistress of every Family or House, where any Person, being Free, shall die, and the Master, Owner, or Overseer of any Slave, who shall die, shall, within Twenty Days after the Death of such Free Person or Slave, give Notice in Writing of the Death of such Free Person, and the Christian and Surname of such Free Person, and of the Death of such Slave, and the Name or Names such Slave was called by, together with the Names of the Master or Owner of such Slave, to the Minister of the Parish, where such Free Person or Slave shall die; or if there shall happen to be no Minister of the said Parish, then the Notice of such Death shall be given, as aforesaid, to the Clerk of the said Parish, or to the Clerk of the Church or Chapel nearest to the Place, where such Free Person or Slave shall die. And if any Master or Mistress of any House or Family, where any Free Person shall die, or the Master, Owner,

And of all
Persons, who
shall die.

Penalty.

or

A. D. 1713.



or Overseer of any Slave dying, shall neglect or refuse to give Notice of such Death, within the Time herein before for that Purpose limited and appointed, every Master and Mistress of such House or Family, and every Master, Owner, and Overseer of such Slave so dying, who shall neglect or refuse to give such Notice, shall forfeit and pay Two Hundred Pounds of Tobacco for every Offence.

Minister or Clerk shall keep a Register of all Births and Deaths within the Parish, and of Persons baptized.

Method of Registering.

Copy of the Register shall be return'd to the Secretary's Office, in April and October, Yearly.

Fee for every Person registered, 3 lb. Tobacco.

By whom payable.

May be levied by Distress.

Penalty on Neglect or Refusal to keep or return the Register.

Penalties appropriated, & recoverable before a Justice of the Peace.

This Act to be read in Churches, &c. in March and September, Yearly, under Penalty of 200 lb. Tob.

IV. *AND be it further Enacted, by the Authority aforesaid*, That from and after the said Twentieth Day of *April*, the Minister of every Parish within this Colony, shall keep a fair and exact Register of all the Births and Deaths of the Persons within his Parish, of which Notice shall have been given to him, according to the Directions of this Act; as also of all Persons which shall be baptized by him: And the Clerk of every Parish Church or Chappel, whereof there shall be no Minister, shall keep a fair and exact Register of all the Births and Deaths of the Persons within the Parish or Place whereof he shall be Clerk, of which he shall have had Notice, in Manner as is above directed: In which said Register shall be expressed and distinguished, the Names of the Persons which shall be born Free, and of their Parents, and the Names of the Persons which shall be baptized, and the Names of the Master or Owner of the Slaves which shall be born, and whether such Slave be Male or Female; and also the Names of all Persons dying, together with the Names of the Master or Owner of the Persons dying in Slavery; a fair and true Copy of which Register, signed by the Minister or Clerk keeping the same, shall, on the Twentieth Day of *April*, and on the Twentieth Day of *October*, in every Year, by him be returned to the Office of the Secretary of this Dominion: For the keeping and returning of which said Register, as above directed, there shall be satisfied and paid to the Minister or Clerk respectively keeping the same, Three Pounds of Tobacco for every Person so registred: The Fee for registering of the Births and Christenings of all Free Persons, shall be paid by the Parent of such Child; and the Fee for registering the Births of all Slaves, shall be paid by the Owner of such Slave; and the Fee for registering the Death of all Free Persons, shall be paid by the Person who shall give Notice of such Death; and the Fee for registering the Death of all Slaves, shall be paid by the Owner of such Slaves: All which Fees for registering, shall and are hereby declared to be distrainable. And if any Minister or Clerk shall neglect or refuse to keep or return such Register, in Manner before in this Act appointed, every Minister and Clerk so refusing or neglecting to keep or return such Register, shall forfeit and pay Two Hundred Pounds of Tobacco for every Month he shall refuse or neglect to keep or return the same.

V. *AND be it further Enacted, by the Authority aforesaid*, That One Moiety of all the Forfeitures and Penalties, above by this Act inflicted and laid, shall go and be to the Use of the Parish where the Person forfeiting the same shall reside, at the Time such Forfeiture shall become due; the other Moiety to him or them who will inform or sue for the same: Every of which Forfeitures and Penalties shall and may be recovered before One of Her Majesty's Justices of the Peace.

VI. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall be publicly read in all Parish Churches and Chappels within this Colony, Twice in every Year; that is to say, on some *Sunday* in *March*, and on some *Sunday* in *September*, immediately after Divine Service, by the Minister, Reader, or Clerk of each Parish, under the Penalty of Two Hundred Pounds of Tobacco for every such Omission or Neglect: And the Churchwardens of every Parish are hereby required to provide a Copy of this Act,

at

at the Charge of the Parish; and every Churchwarden and Churchwardens who shall neglect to provide such Copy, shall forfeit and pay Five Hundred Pounds of Tobacco; One Moiety of which said Two Hundred Pounds of Tobacco, and of the said Five Hundred Pounds of Tobacco, shall go and be to the Use of the Parish where such Forfeitures shall become due; the other Moiety to him or them who will inform or sue for the same.

A. D. 1713.
Churchwardens shall provide a Copy, or forfeit 500 lb. Tob.

VII. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the registering Births, Christenings, or Deaths, or to the Fees given for the same, or any other Matter or Thing within the Purview of this Act, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

Repeal of all former Laws relating to any Matter within this Act.

C H A P. V.

An Act to continue an Act, intituled, An Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sherifs. E X P.

C H A P. VI.

An Act for continuing an Act, intituled, An Act for the Regulation and Settlement of Ferries, and for Dispatch of Public Expresses.

I. **W**HEREAS an Act of Assembly, made at a General Assembly, begun at the Capitol, the Twenty-Third Day of *October*, in the Fourth Year of the Reign of our Sovereign Lady *Anne*, of *Great-Britain, France, and Ireland*, Queen, and in the Year of our Lord One Thousand Seven Hundred and Five, intituled, *An Act for the Regulation and Settlement of Ferries, and for Dispatch of Public Expresses*, hath been by Experience found very useful and necessary: And whereas the said Act is to continue in Force until the End of this present Session of Assembly, and no longer,

The Act 4 Anne, Cap. 43. made perpetual.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and by the Authority of the same*, That the said Act, with all the Clauses, Powers, Matters, and Things therein contained, shall be and continue in Force, and is hereby made Perpetual.

C H A P.

A. D. 1713.

C H A P. VII.

An Act for reviving and continuing an Act, intituled, An Act prohibiting Seamen being harboured or entertained on Shore.

The Act 9
Anna, Cap. 9.
Revived and
made Perpetual.

I. **W**HEREAS an Act made at a General Assembly, begun at the Capitol the Twenty-Fifth Day of *October*, in the Ninth Year of the Reign of our Sovereign Lady Queen *Anne*, Intituled, *An Act prohibiting Seamen being harboured or entertained on Shore*, is found by Experience to be a useful and beneficial Law, and is now expired;

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and by the Authority of the same*, That the said Act, with all the Clauses, Powers, Matters, and Things therein contained, shall be, and is hereby Revived, Continued, and made Perpetual, to all Intents, Constructions, and Purposes whatsoever.

C H A P. VIII.

An Act to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed.

Preamble.

I. **W**HEREAS it is found by daily Experience, that the great Number of Horses and Mares, kept by Persons who have no Freehold or Tenancy in Lands, and suffered to go at Large on the Lands of other Persons, is not only prejudicial to the Breed of Horses, but also injurious to the Stocks of Cattle and Sheep of this Colony: For Remedy thereof,

Persons not
being Free-
holders of 50
Acres, nor
occupying
Lands, &c. of
20l. Value,
nor paying
50s. Annual
Rent, disabl'd
from keeping
more than 1
Gelding, or
spaid Mare,
on Penalty of
Forfeiture,
&c.

Method of
Proceeding,
upon taking
up Horses, &c.
belonging to
unqualified
Persons, &c.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That from and after the Thirtieth Day of *June* next after this Session of Assembly, no Person whatsoever, being an Inhabitant of this Colony, and not having a Freehold of Fifty Acres of Land, or possessed of and occupying a Quantity of Land or Tenement of the Value of Twenty Pounds, or not being a Tenant of, and occupying Lands or Tenements, for which he shall pay Five Hundred Pounds of Tobacco, or Fifty Shillings in Money, or the Value of so much Money or Tobacco, Yearly, shall keep, as Owner or Proprietor thereof, any stoned Horse, or unspaid Mare, or any more than one Gelding, or one spaid Mare. And if any Inhabitant of this Colony, not having such Freehold, or not being possessed of such Land, Tenement, or Tenancy, shall, after the said Thirtieth Day of *June*, presume to keep, as Owner thereof, any stoned Horse, or Mare, or any more than One Gelding or One spaid Mare, it shall be lawful for any Person to take up such stoned Horse or Mare, and every Gelding or spaid Mare, above One, kept by such Person: And the Person taking up such Horse, Mare, or Gelding, shall, within Three Days next after such Taking up, and Three Days at the least before the Day on which the Court is to be held for the County, where the Owner of such Horse, Mare, or Gelding, so taken up, shall reside, give Notice in Writing to the Owner of such Horse, Mare or Gelding, of such Taking up: And if the Owner of such Horse, Mare or

or Gelding, so taken up, shall not appear at the next Court of such County, and make due Proof that he is an Inhabitant of some Place out of this Colony, or that he hath such a Freehold, or is possessed of such Land, Tenement, or Tenancy; that then, and in such Case, all and every such Horse, Mare, and Gelding, shall from thenceforth be the proper Goods of the Person taking the same up, as aforesaid: But if such Notice cannot be given Three Days before the Court-day next after the taking up of such Horse, Mare, or Gelding, that then the Person, to whom such Notice shall be given, shall not be obliged to appear at the Court, until the Court-day succeeding the Court-day next after Notice was given.

A. D. 1713.

III. AND for the better Improving the Breed of the Horses of this Colony, *BE it further Enacted, by the Authority aforesaid,* That from and after the said Thirtieth Day of June, no Person whatsoever, shall have or keep upon any Woodland Grounds, Marshes, or other waste Grounds, not having a sufficient Fence about the same, any stoned Horse, being of the Age of Two Years, and not of the Height of Thirteen Handful and a Half, to be measured from the lowest Part of the Hoof of the Fore-foot, to the highest Part of the Withers, each Handful to contain Four Inches of the Standard, upon Penalty of forfeiting of such Stoned Horse, or Four Hundred Pounds of Tobacco, and Cask, for every such Horse, which shall be so found in or upon any such Grounds, not inclosed, as aforesaid. And that it shall and may be lawful, for any Person or Persons that shall find any such stoned Horse running at large, contrary to the Intent and Meaning of this Act, to seize, and carry the same before some Justice of the Peace for that County, and before him make Proof, by his or her own Oath, and the Oath of One other Person at the least, that he, she, or they did find and take up such stoned Horse, running in such uninclosed Grounds: And after such Proof made, the said Justice of the Peace is hereby authorized and required forthwith, to cause the said Horse to be measured; and if it shall appear, that the said Horse is not of the Size herein before prescribed, the said Justice shall certify the same, under his Hand; and thereafter it shall and may be lawful to the Person or Persons who took up the same, to have and keep the said stoned Horse to his or her own Use, as his or her own proper Goods and Chattels.

Stoned Horses of 2 Years old, and not being 13 $\frac{1}{2}$ Hands in Height, being found running at large, may be seiz'd, &c. and liable to be forfeited.

But such Horse shall be carried before a Justice of Peace, the Taking-up proved, and his Certificate obtain'd, &c.

IV. *PROVIDED nevertheless, and it is the true Intent and Meaning of this Act,* That every Person or Persons that shall take up any such stoned Horse, and receive Certificate thereof, in Manner aforesaid, shall be and is hereby obliged to give public Notice thereof, by setting up Notes at the Door of the Court-house of that County, and the Church of that Parish, wherein such Taking-up shall be, describing the Marks, Colour, and Brand of such Horse so taken up: And if, within Two Months from and after such Publication, the Owner of such Horse shall come to the Person or Persons who took up the same, and shall tender Four Hundred Pounds of Tobacco, and Cask, to be immediately paid, or secured to be paid at the next succeeding Crop, such Owner shall recover and redeem such Horse from the Forfeiture herein before-mentioned.

And the Taker-up shall give public Notice, &c.

The Owner may, within 2 Months, redeem his Horse, with 400 lb. Tob. and Cask.

V. *PROVIDED also, and be it further Enacted,* That no Overseer, not having Land of his own, in the County wherein he resides, nor any Servant whatsoever, shall be Owner of any unpaid Mare, nor shall keep any Horse, Mare, or Colt, without the Licence, in Writing, of his Master or Mistress; neither shall any such Overseer or Servant keep any more than One, although the Master or Mistress shall grant such Licence, as aforesaid, upon Pain of forfeiting every such Horse or Mare, to any One that will inform for

Overseers & Servants prohibited from keeping Horses, &c. without their Master's Licence, &c. on Penalty of Forfeiture, &c.

4. D. 1713. the same, recoverable before any Justice of the Peace in the County wherein the Offence shall be committed.

CHAP. IX.

An Act to empower John Holloway, and John Clayton, Gent. to receive of the Trustees for the City of Williamsburg, and of all other Persons whatsoever, all Monies by them received for Lots of Land, and otherwise, for the Benefit of the said City, and the Sum of Two Hundred and One Pounds Nine Shillings and Nine Pence of Robert Carter, Esq; and to apply such Monies to certain Uses; and also empowering them to keep the Accounts of the Governor's House, and directing the finishing of the same.
PRIV.

CHAP. X.

An Act for Raising a Public Levy. EXP.

CHAP. XI.

An Act for Dividing Saint Mary's Parish, &c. PRIV.

CHAP. XII.

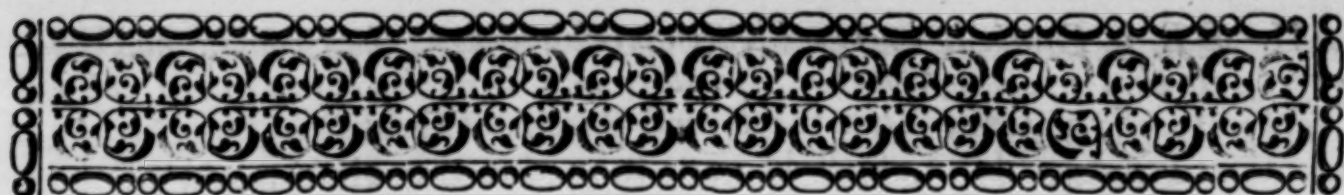
An Act to enable William Smith, Gent. to sell and dispose of certain entailed Lands and Tenements, lying in the County of New-Kent, on settling other Lands and Tenements, lying in King William County, of which he is seised in Fee, to the same Uses.



Signed by ALEXANDER SPOTSWOOD, Esq; Governor.

Peter Beverley, Speaker.

At



A N N O R E G N I
G E O R G I I I,

ALEXANDER
SPOTSWOOD,
Esq; Gover-
nor.

Regis *Magnæ Britanniae, Franciæ, & Hiberniæ,*
Primo.

At a GENERAL ASSEMBLY, begun at the Capitol, the Twenty-Second Day of *October*, in the Eleventh Year of the Reign of Her late Majesty Queen ANNE, and in the Year of our Lord, 1712: And thence continued, by several Prorogations, to the Sixteenth Day of *November*, in the First Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c. *Annoq; Domini, 1714.* And then held, pursuant to an Act of Assembly, made in the Fourth Year of the Reign of her said late Majesty, intituled, *An Act for the continuing of General Assemblies, in case of the Death or Demise of Her Majesty, her Heirs and Successors, &c.*

C H A P. I.

An Act for Regulating and Settling the Current Rates of Gold Coin, and of British Silver Coin, in this Dominion.

I. ***** H E R E A S the Rates, at which Foreign coined Gold hath
***** W ***** passed in this Colony, have hitherto been unsettled, and
***** some of them disproportionate to others of the same intrinsic
***** Value, and all unequal to the coined Gold of *Great Britain*:
***** Wherefore, for Ascertaining the Rates thereof, as near as may
be, at an equal Value,

Preamble.

A. D. 1714.

Rates of
Gold Coin.All Gold
Coin not mil-
led, 5 s. per
Penny WeightGuineas,
26 s. each.

II. *BE it Enacted, by the Lieutenant-Governor, the Council, and Bur-
gesses, of this present General Assembly, and it is hereby Enacted, by the
Authority of the same, That the several Species of Gold Coin, herein after-
mentioned and set down, shall be current, within this His Majesty's Colony
and Dominion, in all Paiments, for the discharging any Contracts, Bargains,
or Debts, to be made or contracted after the Publication of this Act; and
shall pass, be accounted, and received, at the following Rates, That is to say,
All Pieces of British Gold Coin, not milled, and all Spanish or French coined
Gold, all Pieces of coined Gold of the Empire, all Chequeens and Arabian
Pieces of Gold, and Moldores of Portugal, and all lesser Pieces of that Spe-
cies, shall pass and be current, according to their respective Weights, at and
after the Rate of Five Shillings the Penny-Weight: And all Guineas shall
pass and be current, at Twenty-Six Shillings apiece, and the Half Guineas
in Proportion.*

III. *AND, whereas the Silver Coin of Great-Britain, called Sterling,
doth now pass at a lower Rate, in this Colony, than the Coin of Foreign
Princes and States, current here: For Rectifying whereof,*

This Clause
Repealed,
Ch. 9. 1727.

IV. *BE it Enacted, by the Authority aforesaid, That the several Pieces
of Sterling milled Money, called Crowns, Half Crowns, Shillings, and Six-
Pences, shall pass, be accounted, and received, in all Paiments, for the Dis-
charging any Contracts, Bargains or Debts, to be made or contracted after
the Publication of this Act, at the Rate of Five Shillings and Ten Pence
for each milled Crown, and all Half Crowns, Shillings, and Six-Pences, ac-
cording to that Proportion: And that all old British Silver Coin, not milled,
shall pass at the Rate of Three Pence Three Farthings the Penny-Weight.
And if any Person or Persons whatsoever, deny or refuse to take and receive
the aforesaid Coins of Gold or Silver, or any of them, when offered or ten-
dered in Paiment of a Money-Debt, contracted after the Publication of this
Act, at the full Rate, Price, and Value set by this Act, he, she, or they so
refusing, shall lose and forfeit to the Person offering or tendering the same,
such Sum or Sums of Money, as he, she, or they so refuse or deny to take:
To be recovered by Action of Debt, or Information, in any Court of Record,
in this Dominion; wherein no Essoin, Protection, or Wager of Law shall be
allowed. And if the said Forfeiture shall be less than Twenty Shillings, to
be recovered before any Justice of the Peace of the County where the Refusal
shall happen to be made.*

Coiners, &c.
guilty of High
Treason.

V. *AND be it further Enacted, by the Authority aforesaid, That if
any Person or Persons shall, at any Time or Times hereafter, coin, counter-
feit, falsify, or debase any of the Coins above in this Act mentioned, or shall
be aiding, consenting, or counselling therein, he, she, or they so offending,
and being thereof lawfully convicted, shall be deemed and adjudged as guilty
of High-Treason; and shall suffer such Pains, Penalties, and Forfeitures, as
are inflicted and laid on Offenders in such Cases, by the Laws of England.*

Money Pai-
ments due be-
fore this Act,
the King's Re-
venues, Offi-
cers Salaries,
protested Bills
of Exchange,
&c. excepted
out of this
Act.

VI. *PROVIDED nevertheless, and it is hereby meant and intended,
That nothing in this Act contained, shall extend, or be construed to extend,
to any Money-Paiment already due, or to the Paiment of any of the Reve-
nues of His Majesty, arising within this Colony, or to any Salaries payable out
of the same, or to any Paiment to be made for any Debt due on a Bill of
Exchange protested, or on any Specialty expressed to be due in Sterling Mo-
ney, or on any Debt contracted in Great-Britain.*

VII. *PRO-*

A. D. 1714.

VII. *PROVIDED* also, and it is hereby declared, That nothing in this Act contained, shall extend, or be construed to extend, to restrain His Majesty from Regulating or Settling the several Rates of the said several Species of Foreign Coins of Gold, or of *British* Coins of Gold or Silver, within this Colony and Dominion, in such other Manner, and according to such Rates and Values, as His Majesty, by his Roial Proclamation for that Purpose to be issued, or by his Roial Instructions to his Governor, or Commander in Chief of this Dominion, for the Time being, shall, from Time to Time, judge proper and necessary.

Saving to the Roial Prerogative of Settling the Rates of Coins, by Proclamation.

C H A P. II.

An Act to oblige Owners and Occupiers of Mills, to which Public Roads shall lead, to make the Dams of such Mills Ten Foot wide at the Top.

I. **W**HEREAS the Convenience designed for Travellers, and Persons transporting Goods and Merchandizes from one Place to another, in Carts and other Carriages, by enlarging the public high Roads of this Colony, is in a great Measure taken away, by Reason several Mill-Dams, over which such Roads do lead, are so Narrow that Carts and Carriages cannot pass over them: For Remedy whereof,

Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the last Day of November, which shall be in the Year of our Lord Christ, One Thousand Seven Hundred and Fifteen, all and every the Mill-Dams already built, or that shall hereafter be made and built, on any of the great Roads within this Colony, which by Law are appointed to be cleared, as public Roads, and the Bridge at the Flood-Gates, and the Passage at the Peer-Head of the Mill to which such Dam shall belong, shall be substantial and strong, and of the Breadth of Ten Foot at the least at the Top, for the whole Length of such Dam, Bridge, and Passage: And if any such Mill-Dam, Bridge, or Passage, shall, after the said last Day of November, be of less Breadth than Ten Foot at the Top, for the whole Length of such Dam, Bridge, and Passage, the Owner and Owners, or the Occupier and Occupiers of such Mill, shall forfeit and pay Two Thousand Pounds of Tobacco. And if such Mill-Dam, Bridge, or Passage, shall, after the said last Day of November, continue, or be suffered to be of less Breadth than Ten Foot at the Top, for the whole Length of such Dam, Bridge, and Passage, that then the Owner and Owners, or the Occupier and Occupiers of such Mill, shall forfeit and pay Two Hundred Pounds of Tobacco for every Month after the said last Day of November, which such Mill-Dam, Bridge, or Passage, shall continue, or be suffered to be of less Breadth than Ten Foot at the Top, for the whole Length of such Dam, Bridge, and Passage. And if the Owner or Owners of such Mill shall be under the Age of Twenty One Years, or shall reside out of this Colony, that then the Guardian of such Infant, and the Attorney of such Owner, who shall reside out of this Colony, shall, at the Charge of such Infant, and Owner residing out of this Colony, by the said last Day of November, make, and afterwards keep such Mill-Dam, Bridge, and Passage, of the Breadth above by this

After November 30, 1715, all Mill-Dams on any public Road, the Bridge at the Flood-Gates, and Passage at the Peer-Head shall be Ten Foot broad, strong, &c. on Penalty of 2000 lb. Tob. to be paid by the Owner of the Mill.

And 200 lb. Tob. for every Month the Dam, &c. shall be found contrary to this Act.

If the Owner be an Infant, or not Resident in this Colony, the Guardian, or Attorney, shall make the Dam, &c.

Act

A. D. 1714.
or be liable to
the Penalties.

How, and
by whom the
Forfeitures
are recover-
able, &c.

Act directed, for the whole Length of such Dam, Bridge, and Passage, under the same Penalties and Forfeitures, as are before by this Act given for not performing thereof, by the Owner and Owners, or Occupier and Occupiers of such Mills: All which Forfeitures and Penalties shall and may be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Dominion, by the Owner of any other Mill in the same County, whose Dam shall be sufficient, according to the Direction of this Act, and who shall first sue for the same, for and towards the keeping the said Dam in Repair. And if there be no such Owner of a Mill in that County, or if such Owner do not sue in Two Months after the Forfeiture incurred, then by the Churchwarden or Churchwardens of the Parish where such Mill shall be, for the Use of the poor Inhabitants of such Parish.

Tenant not
having a Term
of 2 Years to
come, after
30 Nov. 1715,
shall not be
oblig'd by this
Act, to make
the Dam, &c.
But in such
Case, the
Landlord
shall.

III. *PROVIDED* always, That where any such Mill shall be in the Tenure or Occupation of any Tenant, who shall not have a Term therein for more than Two Years after the said last Day of *November*, such Tenant shall not be obliged, by Virtue of this Act, to make or keep the Dam, Bridge, or Passage, to such Mill belonging, of such Breadth as is above by this Act required, nor shall be liable to any the said Penalties or Forfeitures for not performing thereof: But that in such Cases, the Owner or Proprietor of such Mill shall be obliged to do and perform the same, under the Forfeitures and Penalties aforesaid.

If Mill-Dams,
&c. are de-
stroy'd by
Tempests, &c.
the Owner
shall not be
liable to any
Penalty, 'till
one Month
after taking
Toll in the
Mill.

IV. *PROVIDED* also, That if any of the Mill-Dams, Peer-Heads, or Flood-Gates aforesaid, shall happen to be destroyed, or carried away by violent Rains, or any other Accident, the Owner or Owners thereof, shall not be liable to any of the Penalties afore-mentioned, until One Month after such Mill hath ground at least One Bushel of Corn, or other Grain, for Toll.

C H A P. III.

An Act for erecting a Magazine.

Preamble.

I. **W**HEREAS our late Sovereign Lady Queen *Anne*, of her Grace and Bounty, was pleased to bestow a considerable Quantity of Arms and Ammunition, for the Service of this Colony, which are in Danger to be imbezzled and spoilt, for want of a convenient and proper Place to keep them in,

A Magazine
to be built of
Brick, for
keeping the
Arms, Ammu-
nition, &c.
belonging to
the King.

Governor to
direct the
Building, and
to issue his
Warrant on
the Treasurer,
for Payment of
Money neces-
sary for finish-

II. *BE it therefore Enacted, by the Lieutenant-Governor, the Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That as soon as conveniently it may be done, there shall be erected and finished One good substantial House of Brick, which shall be called the Magazine, at such Place as the Lieutenant-Governor shall think proper: In which Magazine, all the Arms, Gun-powder, and Ammunition, now in this Colony, belonging to the King, or which shall at any Time hereafter be, belonging to His Majesty, his Heirs or Successors, in this Colony, may be lodged and kept. For the building and finishing which Magazine, there shall be laid out and expended any Sum or Sums of Money, not exceeding Two Hundred Pounds; to be levied and paid out of the Monies arising by the Duty on Liquors and Slaves, after the Monies already appropriated and

and ordered to be paid out of the said Duty, are fully satisfied and paid: And the Honourable the Lieutenant-Governor is hereby impowered and desired to order and direct the building the said Magazine, and to issue his Warrant from Time to Time on the Treasurer of this Dominion, for the Payment of the Money hereby given.

A. D. 1714.
ing the Work,
not exceeding
200l.

III. *AND be it further Enacted, by the Authority aforesaid, That* so soon as the said Magazine shall be fit to receive therein the Arms and Ammunition, it shall and may be lawful for the Lieutenant-Governor, or the Governor or Commander in Chief of this Dominion, for the Time being, to constitute and appoint a Person to look after and take Charge of the Magazine, and the Ammunition which shall be lodged therein; which Person so appointed, shall be called the Keeper of the Magazine, who shall have and receive the Yearly Salary of Twenty Pounds: And also to constitute and appoint One other Person to take care of, keep clean, and mend the Arms which shall be kept in the said Magazine; which Person shall be called the Armourer, who shall have and receive the Yearly Salary of Twenty Pounds. Which said Salaries of Twenty Pounds hereby given to the Keeper of the Magazine, and to the Armourer, shall be paid and satisfied Yearly, out of the Monies arising by the said Duty on Liquors and Slaves, after the Monies already appropriated and ordered to be paid out of the said Duty, shall be fully satisfied and paid.

And to ap-
point a Maga-
zine-keeper.

His Salary,
20l. per Ann.
And an Ar-
mourer, with
like Salary.
To be paid
out of Monies
arising by the
Duties on Li-
quors and
Slaves.

IV. *AND be it further Enacted, by the Authority aforesaid, That* when, and so soon as there shall be a Company erected and incorporated by Charter, or Act of Assembly, by the Name of the *Virginia Indian Company*, or by any other Name, to trade with the *Indians* tributary to this Government, or Foreign; such Company shall, before they be permitted to use or exercise their said Trade, pay to the Treasurer of this Dominion, the Sum of One Hundred Pounds, in Part of such Money as shall have been laid out and expended, by the Directions of this Act, for building and finishing the said Magazine.

When the
*Virginia In-
dian Compa-
ny* shall be in-
corporated,
they shall pay
to the Trea-
surer, 100l.
towards reim-
bursing the
Monies ex-
pended, in
Pursuance of
this Act.

C H A P. IV.

An Act for altering the Day for Princess-Anne County Court, and the Day for Essex County Court. P R I V.

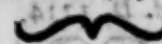
C H A P. V.

An Act for continuing an Act, intituled, An Act for Prevention of Abuses in Tobacco shipped on Freight.

I. **W**HEREAS an Act of Assembly, made at a Grand Assembly, begun at the Capitol, the Twenty-Fifth Day of *October*, in the Ninth Year of the Reign of our late Sovereign Lady *Anne*, of *Great-Britain*, *France*, and *Ireland*, Queen, and in the Year of our Lord, One Thousand Seven Hundred and Ten, intituled, *An Act for Prevention of Abuses in Tobacco shipped on Freight*, hath been by Experience found very useful and necessary:

Preamble.

A. D. 1715.



The Act of
9 Anne, C. 8,
made perpe-
tual.

cessary: And whereas the said Act is to continue in Force 'till the End of this present Session of Assembly, and no longer,

II. BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and by the Authority of the same, That the said Act, with all Clauses, Powers, Matters, and Things therein contained, shall be and continue in Force, and is hereby made Perpetual.

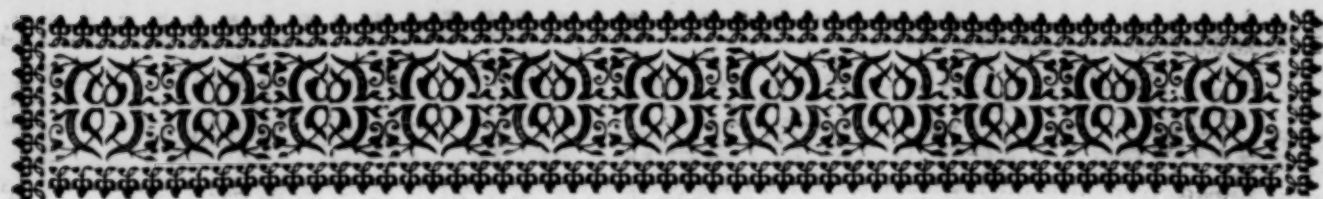


Signed by ALEXANDER SPOTSWOOD, Esq; Governor.

Peter Beverley, Speaker.



At



At a GENERAL ASSEMBLY, begun at the Capitol, on the Third Day of *August*, in the Second Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c. *Annoq; Domini 1715.*

ALEXANDER
SPOTSWOOD,
Esq; Govern-
or.

CHAP. 1. *An Act for the Encouragement of such Persons as have gone and shall go voluntarily into the Service of South-Carolina.* E X P.

2. *An Act for raising a Public Levy.* E X P.

3. *An Act requiring the Vestry of the Parish of Henrico, to build a Chapel in the said Parish.* P R I V.



Signed by ALEXANDER SPOTSWOOD, Esq; Governor.

Daniel M^c Carty, *Speaker.*



A. D. 1718.



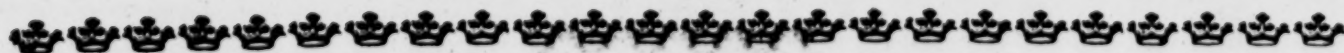
At a GENERAL ASSEMBLY, begun at the Capitol, the Twenty-Third Day of *April*, in the Fourth Year of the Reign of our Sovereign Lord GEORGE, King of Great-Britain, France, and Ireland, Annoq; Domini 1718.

CHAP. I. *An Act for settling the Fees of the Secretary's, County Court Clerks, Sheriffs, Coroners, and Constables; and for ascertaining the Fees of Attornies to be allowed in a Bill of Costs. E X P.*

2. *An Act to empower Harry Beverley, and Others, to build a Bridge over the Dragon Swamp. P R I V.*

3. *An Act for granting One Thousand Pounds out of the Public Fund, for the maintaining and educating Scholars of the College of William and Mary. P R I V.*

4. *An Act to enable Michael Megginson, of the County of King and Queen, Planter, to sell certain Lands in the County of Gloucester, entailed on him, and the Heirs of his Body, upon his settling other Lands of a greater Value, to the same Uses. P R I V.*



Signed by ALEXANDER SPOTSWOOD, Esq; Governor.

Daniel M^c Carty, Speaker.

At



At a GENERAL ASSEMBLY, begun at the Capitol, the Twenty-Third Day of *April*, *Anno Domini* 1718, in the Fourth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c. And thence continued, by Prorogation and Adjournment, to the Eleventh Day of *November*, 1718: Being the Second Session of this present Assembly.

ALEXANDER
SPOTSWOOD,
Esq; Governor.

CHAP. 1. *An Act for empowering the Treasurer of this Colony, to put out at Interest, a Sum not exceeding Ten Thousand Pounds, now in his Hands.* E X P.

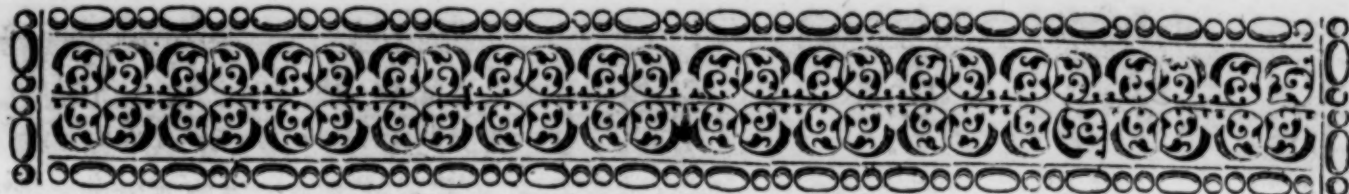
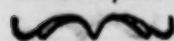
2. *An Act for raising a Public Levy.* E X P.



Signed by ALEXANDER SPOTSWOOD, Esq; Governor.

Daniel M^c Carty, Speaker.





ALEXANDER
SPOTSWOOD,
Esq; Govern-
nor.

At a GENERAL ASSEMBLY, begun and hold-
en at the Capitol, in the City of *Williams-*
burg, on the Second Day of *November*, in the
Seventh Year of the Reign of our Sovereign
Lord GEORGE the First, by the Grace of
God, of *Great-Britain, France, and Ireland*,
King, Defender of the Faith, &c. And in the
Year of our Lord 1720.

C H A P. I.

This Act
hath had its
Effect, there-
fore not print-
ed.

*An Act for erecting the Counties of Spotsylvania and Brunswick ;
and granting certain Exemptions and Benefits to the Inhabitants
thereof.*

The Execu-
tion of this Act
was suspend-
ed, until ap-
proved by the
King; and no
such Appro-
bation being
had, it is not
printed.

*An Act for the better Discovery and Securing of His Majesty's
Quit-Rents.*

C H A P. II.

C H A P. III.

*An Act explaining, and further declaring, what shall be accounted
a sufficient Seating and Improvement to save Lands from Lapsing ;
and for the better Recovery of Lands lapsed from Persons living
out of the Country.*

Preamble.

I. ***** HEREAS, by an Act made at a General Assembly, begun
at the Capitol, the Twenty-Second Day of *October*, in the
Eleventh Year of the Reign of our late Sovereign Lady Queen
Anne ; and thence continued, by several Prorogations, to the
Fifth Day of *November*, in the Twelfth Year of her said Ma-
jesty's Reign, It is Declared, what shall be accounted a sufficient Seating,
Planting, Cultivating, and Improving of Lands, for the Grantees of Lands
to

to comply with, the Condition of Cultivation and Improvement mentioned in their Grants. And forasmuch, as divers other Sorts of Cultivation and Improvement of Lands may be made, equally beneficial with those mentioned in the said Act.

A. D. 1720.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That if the Patentee of any Land or Lands not yet seated and planted, shall clear and fence any Quantity of Ground for Pasturage, for every Three Acres of such Land well cleared and fenced, which shall be kept and used for a Pasture, during the Term of Three Years, such Patentee shall save Fifty Acres of such Land.

3 Acres of Pasturage, cleared, fenced, & used 3 Years, shall save 50 Acres of patented Land.

III. *AND be it further Enacted, by the Authority aforesaid,* That if the Patentee or Proprietor of any Lands not yet seated and planted, shall lay out and expend any Sum or Sums of Money or Tobacco, in building Houses, Water-Mills, or other Works, or in planting of Trees and Quick-set Hedges, or making other Improvements on the said Lands, not mentioned in the before recited Act, every such Patentee or Proprietor shall, for every Ten Pounds current Money, or the Value thereof in Tobacco, so laid out and expended, save Fifty Acres of the said Lands from lapsing; and so proportionably, for a greater or lesser Sum so expended.

10l. Value expended in Buildings or Improvements, saves 50 Acres.

IV. *AND,* for preventing any Controversy which may hereafter arise, touching the Value of the Buildings, Works, or other Improvements, hereby intended to save Lands from lapsing and becoming forfeited, *Be it Enacted,* That it shall and may be lawful, to and for the Court of the County where the said Lands shall lie, upon Application made by the Patentee or Proprietor, or his or her Attorney, Steward, or Overseer, and the said County Courts are hereby respectively authorized and required to order and direct the Buildings, Works, and Improvements aforesaid, to be viewed by Two or more honest and indifferent Men, who shall be sworn truly to value the same, according to the best of their Judgment and Understanding, having Regard to such Accounts of the Expence thereof, as the said Patentee or Proprietor, or his or her Attorney, Steward, or Overseer, shall produce and make out to them, by Oath, or otherwise: And such Valuation so made and returned to the County Court, shall be entred upon Record, in particular Books set apart for that Purpose; and shall be adjudged, deemed, and taken, to be sufficient Proof of the Cultivation and Improvement, so as to save so much of the Lands from lapsing, as by this Act is directed and declared.

County Courts may, upon Application to them made by the Patentee, &c. appoint Persons to value the Improvements, &c. & such Valuation made and returned to Court, shall be recorded, and deemed good Proof, &c.

V. *PROVIDED always,* That in every such Case, the several kinds of Buildings and Improvements shall be specially mentioned, and upon what Part of the Land the same are erected and made; and that before such Valuation of the said Buildings and Improvements shall be admitted to Record, Oath shall be made in Court, by the Proprietor, or his or her Attorney, Steward, or Overseer, that none of the said Buildings, Works, and Improvements, have been before valued and recorded, in order to the saving any of the said Lands.

Provido, the Improvements shall be specially mention'd, & Oath made, that none of them have been before valued, &c.

VI. *AND be it further Enacted, by the Authority aforesaid,* That if any Person who is now, or hereafter shall be, possessed of any Tract of Land, which ought to be seated, planted, cultivated, and improved, according to the Directions of the above recited, or of this Act, shall be desirous to take up One or more Tracts of Land adjoining, and shall include all the said Tracts in One Patent, such Lands so unjoined, shall be accounted as One entire

If any Person possessed of a Tract of Land which ought to be seated, &c. shall take up more Land adjoining, & include all in

A. D. 1714.
 one Patent,
 the Improve-
 ments made
 on any Part,
 shall extend
 towards saving
 the Whole.

Patentee of
 Lands hereto-
 fore granted,
 not obliged to
 further Im-
 provements
 than were re-
 quired at the
 Time of grant-
 ing the Patent.

Lands saved
 within the
 Time limited,
 or before Pe-
 tition prefer'd,
 shall not lapse,
 &c. and the
 Seating, &c.
 proved, ac-
 cording to this
 Act, shall en-
 sure to the Be-
 nefit of the
 Party making
 such Proof.

On Petition
 for lapsed
 Land, the Pa-
 tentee may re-
 serve to him-
 self so much
 as is by him
 saved, &c. &
 allot the Resi-
 due to the Pe-
 titioner, in any
 Part of the
 Tract in One
 entire Piece.

Method of
 exhibiting Pe-
 tition for lap-
 sed Land, be-
 longing to
 Persons not
 residing in
 this Colony.

entire Tract; and any Improvements which shall thereafter be made, accord-
 ing to the Directions of this, or the before-recited Act, on any Part of the
 said unjoined Tracts, shall be held, deemed, and taken, to extend towards
 saving of the Whole, in Proportion to the said several Improvements made
 thereon.

VII. *PROVIDED* always, That nothing herein contained, shall be
 construed, deemed, or taken, to oblige the Patentee of any Land heretofore
 granted, to make any further, or other Cultivation or Improvement thereon,
 than was required by the Laws or Instructions in Force at the Time of ob-
 taining the Grant thereof.

VIII. *AND* be it further Enacted, by the Authority aforesaid, That
 all Lands which shall hereafter be seated, planted, cultivated, or improved,
 according to the Directions of this Act, and within the Time in the respective
 Grants thereof, for that Purpose mentioned and limited, or before Petition
 shall be preferred, for obtaining a Grant thereof, as lapsed, shall not be
 deemed or taken to be forfeited, for not complying with the Condition of
 Cultivation and Improving mentioned in the Grants thereof; and that the
 Proof of the Planting, Seating, Cultivation, and Improvement, in this Act
 mentioned and declared, shall be made and enure to the Benefit of the Per-
 son making the same, in the same Manner as in and by the said recited Act
 is directed.

IX. *AND* be it further Enacted, by the Authority aforesaid, That
 when any Petition shall be preferred for obtaining a Grant of any Lands
 lapsed or forfeited, for want of Seating and Planting, the Patentee of such
 Land shall reserve to himself so much of the Land so petitioned for, as shall
 be proved to have been cultivated and improved, according to the Directions
 of this Act; and it shall be lawful for the Patentee or Possessor of such
 Land, to allot the Residue of the Land which shall be found to be lapsed,
 to the Person petitioning for the same, in any Part of the Tract in One
 entire Piece: And if the Person, against whom such Petition shall be exhi-
 bited, shall not be Resident in this Colony, then the Summons issued upon
 such Petition shall be served upon the lawful Attorney of such Non-resident
 Person; but in Case no such Attorney can be found, then a Copy of the
 Summons shall be affixed at the Door of the Court-house of the County
 where the Land petitioned for shall lie, on Five several Court-days, and also
 in the Court-house at the Capitol, at Three General Courts, and thereafter
 such Proceedings shall be had upon such Petition, as if the Person, against
 whom the same shall be exhibited, had been Personally served with such
 Summons.

C H A P. IV.

*An Act for Supply of certain Defects found in an Act prescribing
 the Method for appointing Sheriffs.*

Preamble.

I. **W**HEREAS, by One Act of Assembly, made at a General As-
 sembly, begun at the Capitol, the Twenty-Third Day of October,
 in the Fourth Year of the Reign of our late Sovereign Lady Queen Anne,
 intituled, *An Act prescribing the Method of appointing Sheriffs, and for*
limitting

C. 3. 1705.

limiting the Time of their Continuance in their Office, and directing their Duty therein, a Method is laid down, how Sheriffs shall be appointed, which is found to be Defective, and to want Amendment, in Regard no Provision is made by the said Act, what shall or may be done, when Persons appointed to be Sheriffs, refuse to accept the Office, or when the County Courts neglect or refuse to recommend Persons, according to the Directions of the said Act, or when a Person happens to die in the Time of his Sherifalty; and that by such Contingencies, Justice hath not only been obstructed, but sundry other Mischiefs have accrued.

A. D. 1720.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That every Person hereafter commissioned to be a Sheriff of any County within this Colony and Dominion, upon a Recommendation from the County Court, in Pursuance of the said Act, and thereupon refusing to accept the Office of Sheriff, and to perform the Duty thereof, pursuant to his Commission, shall forfeit and pay Three Thousand Pounds of Tobacco, of the Produce and Growth of the said County.

Persons recommended by the County Court, & appointed Sheriffs, refusing to serve, forfeit 3000 l. Tobacco.

III. *AND be it further Enacted, by the Authority aforesaid,* That if any County Court shall hereafter neglect or refuse to recommend Three Persons to be Sheriffs, according to the Directions of the said Act, it shall and may be lawful, in such a Case, for the Governor and Commander in Chief of this Colony and Dominion, for the Time being, and he is hereby desired to appoint and constitute, by his Commission, any One Person nominated a Justice in the Commission of the Peace for the said County, to be Sheriff of the County, as he shall think proper, though such Person be not then sworn a Justice; and if such Person shall hereafter refuse to accept the Sheriff's Office, and to perform the Duty thereof, pursuant to his Commission, he shall forfeit and pay Three Thousand Pounds of Tobacco, of the Produce and Growth of the said County.

If the Court fails to recommend 3 Persons, &c. the Governor may appoint any One of the Justices in Commission, tho' not sworn, to be Sheriff, under the like Penalty for Refusal.

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person being One of the Three Persons recommended by the County Court, and appointed Sheriff, in Pursuance of the said Act, shall happen to depart this Life in the Time of his Sherifalty, it shall and may be lawful, in such a Case, for the Governor or Commander in Chief of this Colony and Dominion, for the Time being, and he is hereby desired, to appoint and constitute One of the Survivors recommended, as aforesaid, to be Sheriff in his Room. And when any Sheriff, appointed upon a Neglect or Refusal of the County Court to recommend Three Persons, according to the Directions of the said Act, shall happen to depart this Life in the Time of his Sherifalty, it shall and may be lawful for the Governor or Commander in Chief of this Colony and Dominion, for the Time being, and he is hereby desired, to appoint and constitute, by his Commission, any One Person nominated a Justice in the Commission of the Peace for the said County, to be Sheriff of the County, in the Room of the said deceased Person, although such new appointed Person be not then a Justice. And whatsoever Person appointed and constituted Sheriff, upon the Death of another Sheriff, as aforesaid, shall refuse to accept the Office of Sheriff, and perform the Duty thereof, pursuant to his Commission, such Person shall forfeit and pay Three Thousand Pounds of Tobacco, of the Produce and Growth of the said County.

If One of the Persons recommended & appointed Sheriff, dies in the Time of his Sherifalty, he is to be succeeded by One of the Survivors.

And if the Person appointed on Failure of Recommendation, dies in the Time of his Sherifalty, the Governor may commissionate any other, in the Commission of the Peace, to succeed the Deceased.

Any Person so appointed, refusing to serve, liable to the like Penalty.

V. *AND be it further Enacted,* That whatsoever Person shall hereafter, by Virtue of this Act, be appointed Sheriff of any County, by the Governor or Commander in Chief, for the Time being, upon the Neglect or Refusal of any County Court

No Sheriff shall continue

A. D. 1720.
in his Office
longer, than
by the Act
4 Anna, c. 3.
is directed.

Fines appro-
priated.

Persons pay-
ing the Fine,
shall not af-
terwards be
appointed
Sheriffs, 'till
every other
Justice named
in the Com-
mission of the
Peace, has ser-
ved, or paid
his Fine.

But if any
Person ap-
pointed She-
riff, will make
Oath in open
Court, that he
is not able to
get Security,
he shall not
be liable for
the Penalty.

Whoever has
served as She-
riff, shall not
be again ap-
pointed to that
Office in the
same County,
unless every
Person named
in the Com-
mission of the
Peace, has ser-
ved after him,
or paid the
Fine.

This Act re-
vived & made
perpetual,
C. 14. 1730.

Court to recommend Three Persons, according to the Directions of the said recited Act, or upon the Death of any Sheriff in the Time of his Sherifalty, such Person so appointed by the Governor or Commander in Chief, for the Time being, shall not, or may not, by any thing in this Act contained, be compelled, or have Power to continue in the said Office of Sheriff, or to execute the same, for any other Time, than by the said recited Act is directed.

VI. *AND be it further Enacted, by the Authority aforesaid,* That all the Fines and Forfeitures mentioned in this Act, shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and shall and may be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any of the County Courts, or in the General Court of this Colony and Dominion, wherein no Effoin, Protection, or Wager of Law shall be allowed.

VII. *PROVIDED always,* That when any Person refusing to execute the Office of Sheriff, as aforesaid, shall have paid the said Forfeiture of Three Thousand Pounds of Tobacco, such Person shall not afterwards be appointed Sheriff of the said County, for which he refused to execute the Office of Sheriff, 'till such Time as every Justice named, (a) or to be named, in the Commission of the Peace for the said County, shall have served once in the Office of Sheriff for such County, or shall have paid the said Forfeiture of Three Thousand Pounds of Tobacco, for not accepting the said Office.

VIII. *PROVIDED also,* That if any Person hereafter appointed to execute the Office of Sheriff in any County of this Colony and Dominion, shall be willing to execute the same, but cannot get sufficient Security for the Performance of his Duty therein, as by the said Act is required, shall make Oath in the Court of the County for which he shall be appointed Sheriff, or if there be no Court in the said County, then before the next adjoining County Court, that he hath used his best Endeavours truly, and *bona fide*, without Covin or Collusion, to get Security for his Performance thereof, and that he cannot obtain such Security; which Oath the said County Courts are hereby impowered and required to administer, that then such Person making Oath, as aforesaid, shall not incur or be liable to the Forfeiture of Three Thousand Pounds of Tobacco, in this Act mentioned: (b) Nor shall any Person whatsoever, which hath actually served as Sheriff in any County of this Colony and Dominion, be liable to any of the Forfeitures mentioned in this Act, for any Refusal to take upon him the Office of Sheriff in the same County, if he be thereto again appointed, unless every Person named in the Commission of the Peace for the said County, hath actually, after him, served in the Office of Sheriff for the said County, or paid the Forfeiture given by this Act, for Refusal; any thing in this Act, or any other Act contained to the contrary thereof, in any-wise, notwithstanding.

IX. *AND be it further Enacted, by the Authority aforesaid,* That this Act continue in Force Three Years from and after the Publication thereof, and from thence to the End of the next Session of Assembly, and no longer.

(a) *Quare* the Force of these Words.

(b) This Clause can of no Use, being in Effect a Repetition of what was provided for sufficiently, in the 7th Section.

C H A P. V.

Chap. 5.

A. D. 1720.

An Act for the more effectual preventing the Tending of Seconds.

I. **W**HEREAS, the Tending and Making of Seconds, is greatly prejudicial to the Staple of Tobacco, and the Laws made for preventing thereof, have been evaded, and the Penalties therein given against Persons who shall be convicted of Tending Seconds, are found insufficient to restrain Persons from such undue Practices: For Remedying which Inconveniences for the future, and more effectual Preventing the same,

Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Publication of this Act, whosoever shall weed, top, hill, succour, house, cure, strip, or pack any Seconds, Suckers, or Slips of Tobacco, or cause or suffer the same to be done, on or upon any Plantation, shall, for every such Offence, forfeit and pay, over and above the Penalties laid on such Persons who shall tend or suffer to be tended any Seconds, the further Sum of Five Hundred Pounds of Tobacco, for every Person who was employed on any such Plantation where the said Seconds, Suckers, or Slips shall grow, in that Year.

Persons tending Seconds, Suckers, or Slips, &c. forfeit 500 l. Tobacco for every Tithable employ'd in the Crop, &c. besides all other Penalties.

III. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Master or Owner of every Plantation (whereon any Tobacco shall for the future be tended) shall and do cut up and destroy, or cause or procure to be cut up and destroyed, all Stalks, Roots, and Suckers, from which any Plant shall be cut, in every Year, within Twenty Days after the cutting off the said Plant or Plants; and that every such Master or Owner, who shall refuse or neglect so to do, shall forfeit and pay the Sum of Two Hundred Pounds of Tobacco, for every Person above the Age of Seven Years, who shall dwell, reside, or work, on any such Plantation, in every of the said Years, when such Offence shall be committed.

Owners of Plantations shall destroy Stalks, Roots, & Suckers, in 20 Days after cutting off the Plants, on Penalty of 200 l. Tob. for every Person above 7 Years of Age, residing on the Plantation.

IV. *PROVIDED,* That where any Person or Persons shall intrust his or their Plantation or Plantations, and the Servants and Slaves thereon, to the Management of an Overseer, being a Freeman, the Owner of such Plantation, Servants, and Slaves, shall not be liable to Prosecution for any Breaches of this Act: But such Overseer who shall weed, top, hill, succour, house, cure, strip, or pack any Seconds, Suckers, or Slips of Tobacco, or cause or suffer the same to be done, or who shall neglect to cut up and destroy all Stalks, Roots, and Suckers, from which any Plant shall be cut, in every Year, within the said Space of Twenty Days after the cutting off the said Plant or Plants, shall incur the several Penalties by this Act inflicted upon the Masters or Owners of the said Plantations, for the several Offences afore-mentioned.

Overseers liable to the like Penalty, for Breach of this Act.

V. *AND be it further Enacted, by the Authority aforesaid,* That One Moiety of the several Fines or Forfeitures in this Act before-mentioned, shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will sue or inform for the same: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this His Majesty's Colony and Dominion, wherein

Penalties appropriated.

How to be recovered.

R r

no

Jan 4. Anno 1705/ Cap. 12

38 7 20. 2. 1730/ Cap. 1

10. 7 8 1736/ Cap

10 4 10 2. 1738. Cap. 2

A. D. 1720. no Effoin, Protection, or Wager of Law shall be allowed, or any more than One Imparlance.

This Act to be read by the Sheriff, at the Court-house of each County, in June & July Courts, Annually, on Penalty of 500 lb. Tob.

VI. *AND* be it further Enacted, by the Authority aforesaid, That this Act shall be twice every Year publicly read, at the Court-house of each County, by the Sheriff, or his Deputy; that is to say, On the Days for holding the Courts, in the Months of *June* and *July*, respectively, under the Penalty of Five Hundred Pounds of Tobacco, for every Omission or Neglect: To be recovered and disposed of, in like Manner as the other Penalties herein before-mentioned.

CHAP. VI.

An Act giving a Reward for killing of Wolves; and repealing all other Acts relating thereto.

Preamble. I. **F**OR an Encouragement to all Persons to endeavour the Destruction and Killing of Wolves, which in many Parts of this His Majesty's Colony and Dominion, very much obstruct the Raising and Increase of Cattle, Sheep, and Hogs,

Premium of 200 lb. Tob. for every Wolf kill'd or destroyed by any Persons whatsoever, except Foreign Indians, to be paid by the County, and repaid by the Public.

II. *BE* it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That all and every Person and Persons, (except *Indians* not tributary to *Virginia*;) who shall, after the Publication of this Act, kill or destroy any Wolf, of what Age soever, by any Way or Means whatsoever, shall have and receive the Reward of Two Hundred Pounds of Tobacco for every Wolf so by him or them killed or destroyed: And that the said Reward shall be first levied on the Inhabitants of the County wherein such Wolves shall be killed; and repaid by the County at the next Public Levy.

County Courts to levy the Rewards due by this Act.

III. *AND* be it further Enacted, by the Authority aforesaid, That the several County Courts within this His Majesty's Colony and Dominion, be impowered, and every of them is hereby impowered, authorized, and required, at the Laying of the County Levy, Annually, to allow and order to all and every Person and Persons claiming or demanding the Reward aforesaid, the said Sum of Tobacco, accruing due to such Person or Persons, by Virtue of this Act; and to assess, raise, or levy the same, upon the tithable Persons within their respective County, by a Poll-Tax.

Persons claiming the Reward for killing Wolves, shall produce the Heads before a Justice of Peace, prove the killing, &c. & obtain Certificate, otherwise the Claim not to be allowed.

IV. *PROVIDED* always, and it is the true Intent and Meaning of this Act, That whatsoever Person or Persons shall kill or destroy Wolves, for sake of the Reward given by this Act, shall carry, or cause to be carried, the Head of every Wolf so killed or destroyed, to a Justice of the Peace of the County where the Fact happens to be done; and shall, before him, make due Proof by himself, or some Person present at the killing thereof, how, when, and where, every Wolf was killed or destroyed; and shall take from the said Justice, a Certificate thereof to the County Court, and shall produce, or cause the same to be produced, when the County Levy is laid; otherwise it shall not be lawful for the County Court to grant or allow any Claim or Demand whatsoever, concerning the same.

V. *AND*

V. *AND be it further Enacted, by the Authority aforesaid, That every Justice of the Peace within this His Majesty's Colony and Dominion, be impowered, and every of them is hereby impowered and required, within his respective County, to receive the Heads of Wolves killed or destroyed, in Pursuance of this Act; and upon due Proof made, to grant and issue Certificates to the County Court, as aforesaid, how, when, and where, such Wolves were killed or destroyed; concerning which, it shall and may be lawful for every Justice to whom Application shall be made for Certificate, to admit as good and due Proof, either the Oath or Oaths, or solemn Affirmation, as the Case is, of the Person or Persons making Application; or if such Person be under the Age of Fourteen Years, or be not a Christian, any other Evidence, Testimony, or Circumstance, in his Discretion probable and convincing. And every Justice of the Peace, before whom Proof shall be made, as aforesaid, is hereby required, immediately after granting Certificate upon such Proof, to cause the Ears of such Wolf or Wolves Head brought before him, to be cut off in his Presence, for preventing any Frauds which may be practised in obtaining Two Certificates for the same Service.*

A. D. 1720.
Justices of Peace impowered to receive Wolves Heads, and grant Certificates, &c.

What Proof shall be sufficient.

After granting Certificate the Ears shall be cut off from the Heads, in Presence of the Justice.

VI. *AND be it further Enacted, by the Authority aforesaid, That the Clerk of every County Court within this Dominion, shall, in entering the Allowances made by the said Court to Persons claiming the Reward herein given for destroying Wolves, particularly mention the Name and Surname of every Person to whom such Allowance shall be made in the County Levy, and the Name and Surname of the Justice granting the Certificate for obtaining the same; and shall return a true Copy of the said Levy to the General Assembly.*

County Court Clerks shall certify the Claims, &c. to the General Assembly.

VII. *AND be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof made, for so much thereof as relates to give a Reward for killing of Wolves, or any other Matter or Thing, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.*

Repeal of all former Laws relating to any Matter within this Act.

C H A P. VII.

An Act for explaining and amending an Act, intituled, An Act for appointing Rolling-Houses and Public Landings, and ascertaining the Prices of Storage.

I. **W** H E R E A S, the Act made at a General Assembly, begun the Twenty-Second Day of *October*, in the Year of our Lord, One Thousand Seven Hundred and Twelve, intituled, *An Act for appointing Rolling-Houses and Public Landings, and ascertaining the Prices of Storage*, by Reason of the uncertain Wording thereof, hath not had the desired Effect of bringing all Rolling-Houses as near to the Landings as the Conveniency of the Land would admit: And whereas it may seem, that the County Courts are thereby obliged to keep up all Rolling-Houses then set within a Mile of the Landing, which is not intended, and cannot yield any reasonable Conveniency for taking Goods and Merchandizes ashore from Water-Carriages: And whereas it is absolutely necessary, for the Benefit and Conveniency of landing Goods and Merchandizes from Water-Carriages, that Rolling-Houses be also made Store-Houses for the Reception and Security of Goods and Merchandizes

Preamble.

11 Anne, c. 5.

A. D. 1726.

If the County Courts find any Rolling-Houses at inconvenient Distance from the Landings, they may discontinue such, & order new Houses to be built convenient, &c.

And shall be invested with Power, &c. of coming at the Land, &c.

And after a Rolling-House is discontinued by the Court, no Tobacco lodged therein, shall be convenient, nor any Storage demandable.

Owners of Rolling-Houses shall keep fit Persons to take in, &c. Tob. &c. or liable for all Damages, &c.

Storage for Salt, or other unpack'd Commodities, the same as for Grain.

chandizes taken on Shore, until the Owners can send for them, and should therefore be set as near as can be to such Landings:

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That where any County Court shall find the Rolling-Houses in their County, or any of them, at inconvenient Distance to answer the Benefits intended by this Act, they shall have Power, and Power and Authority is hereby granted unto them, to put down the said Rolling-Houses, and order or grant new Ones to be built, convenient to the Landings, to answer the Benefits intended by this Act; in which Case, the said County Courts shall be invested with all the Powers, Privileges and Authorities of coming at the Land, and setting up the said Rolling and Store-Houses, as are granted in the like Cases by the before-recited Act.

III. *AND,* after any Rolling-House shall be, by any County Court, declared to be put down, or laid aside, no Tobacco shall be accounted convenient which shall be thereafter lodged therein, nor any Fee demandable for Storage therein.

IV. *AND,* whereas it is not provided by the said Act, That the Owners or Keepers of such Rolling-Houses, should keep at or near the said Rolling-Houses, capable Persons, for which themselves would answer, to take in such Goods and Merchandizes delivered to them, and to give Receipts, *Be it therefore Enacted, by the Authority aforesaid,* That each Owner or Keeper of a Rolling-House or Store-House, shall keep at or near such House, some capable Person, who shall always take in such Tobacco, Goods, and Merchandizes, as shall be brought thither, and preserve the same, or be liable to make good the Damages which shall happen to the said Tobacco, Goods, and Merchandizes, (as by the said Act is directed) on Failure in any of the Premises.

V. *AND* whereas, by the said cited Act, there is a Rate set, for Storage of Grain, but none for Salt, and other such-like unpack'd Commodities, *Be it also Enacted,* That the Price of Storage for Salt, and other such-like unpack'd Commodities, be after the same Rate as the Storage therein set for Grain.

C H A P. VIII.

An Act for Settling new Ferries on Pamunky, Mattapony, and Potowmack Rivers; and for ascertaining the Rates of Ferriage for Wheel-Carriages.

Preamble.

I. **W**HEREAS a good Regulation of Ferries, within this His Majesty's Colony and Dominion of *Virginia*, hath been found very beneficial and useful, for the Dispatch of Publick Affairs, and for the Ease and Benefit of Travellers, and Men in Business; but by reason of the Increase of Settlements, and otherwise, the Ferries already appointed by Law, are not sufficient to answer the Ends aforesaid: For Remedy whereof, and for the better Transportation of Goods and Merchandize,

II. *BE*

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That Ferries be constantly kept at the Places hereafter named; and that the Rates for Passing the said Ferries, and Transportation of the said Goods and Merchandize, be as follow: That is to say,

A. D. 1720.

New Ferries appointed.

On Pamunky River,

Places and Rates of Ferriages.

FROM Robert King's, over the said River, the Price for a Man, Three Pence, and for a Horse, Three Pence.

FROM Sweet Hall, over the said River, to the Mouth of Tank's Queen Creek, on either Side thereof, the Price for a Man, Six Pence, and for a Horse, Six Pence.

On Mattapony River,

FROM Samuel Norment's, over the said River, the Price for a Man, Three Pence, and for a Horse, Three Pence, and for each Hoghead of Tobacco, Six Pence.

FROM William White's, over the said River, the Price for a Man, Three Pence, and for a Horse, Three Pence, and for each Hoghead of Tobacco, Six Pence.

On Potowmack River.

FROM Colonel Rice Hoe's, to Cedar-Point, in Maryland, the Price for a Man, Two Shillings, for a Horse, Two Shillings.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Licences for keeping the said Ferries, shall be obtained after such Manner, and the Keepers thereof under such Regulations, Advantages, and Restrictions, as are mentioned, prescribed, and comprised, in and by one Act of Assembly, made in the Fourth Year of the Reign of our late Sovereign Lady, Queen Anne, intituled, *An Act for the Regulation and Settlement of Ferries, and for Dispatch of Public Expresses*, to be thereby made, granted, and allowed to the Ferry-Keepers therein mentioned.

Keepers of Ferries appointed by this Act, shall be under the same Regulations, Advantages, &c. as prescribed by the former Law.
4 Anna, c. 53.

IV. *AND,* for the Encouragement of all Ferry-Keepers, within this Colony, to provide convenient Boats, for the Transportation of Coaches, Carts, and Waggon, *Be it Enacted, by the Authority aforesaid,* That where Ferries are already, or hereby established, it shall and may be lawful, to and for the Courts of the Counties wherein such Ferries are or shall be kept, at any Time when they shall find it necessary, for the Conveniency of Travellers, and Transportation of Goods and Merchandizes, to direct and appoint proper Boats to be kept at the said Ferries, for the convenient Transportation of Coaches, Waggon, and other Wheel-Carriages.

County Courts may appoint Boats to be kept for Transportation of Wheel-Carriages.

V. *AND,* when such Boats shall be so provided and kept, *Be it further Enacted,* That it shall and may be lawful, for the Keeper or Keepers of such Ferries, to demand and take for the Ferriage and Transportation of such Wheel-Carriages, after the Rates following: That is to say, ——— For every Coach, Chariot, or Chaise with Four Wheels, or Waggon, the same Rates as are by Law established, at such Ferries respectively, for the Ferriage of

Rates of Ferriage for Wheel-Carriages.

Six

A. D. 1720.

~~~~~ Six Horses; and for every Two-Wheel Chaise, or Cart, the same Rate as is by Law established for the Ferriage of Four Horses; and no more.

New Ferries
appointed.

That Ferries be continually kept at the Places hereafter appointed, and that the Rates for carrying the said Horses, and Transportation of the said Goods and Merchandise, be as follow: That is to say,

C H A P. IX.

An Act for raising a Public Levy. E X P.

Private Acts.

C H A P. 10. *An Act for Dividing St. John's Parish, in the County of King William.*

11. *An Act for enlarging Charles-City County; and for consolidating those Parts of the Parishes of Westover and Weynoake, on the North Side James River, and that Part of Wallingford Parish, on the West Side Chicohominy River.*

12. *An Act to Divide those Parts of the Parishes of Westover and Weynoake, which lie on the South Side James River, from those Parts of the said Parishes which lie on the North Side the said River; and for Uniting Westover and Weynoake Parishes, on the South Side James River, to Martin Brandon Parish, in the County of Prince George; and for erecting a Chapel in Bristol Parish, in the said County.*

13. *An Act for Dividing the Parish of Henrico, in the County of Henrico.*

14. *An Act for Dividing Richmond County.*

15. *An Act for Dividing New-Kent County.*

16. *An Act to empower Henry Cary, Gent. to finish the House of the Governor of the Colony and Dominion of Virginia.*

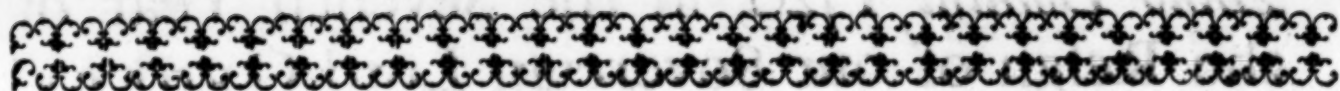
17. *An*

A. D. 1720.

Private Acts.

17. *An Act to alter the Day for Northampton County Court.*

18. *An Act to enable Abraham Cocke, to sell certain intailed Lands ; and for settling other Lands to the same Uses.*



Signed by ALEXANDER SPOTSWOOD, Esq; Governor.

John Holloway, Speaker.




At

ALEXANDER
SPOTSWOOD,
Esq; Gover-
nor.

At a GENERAL ASSEMBLY, begun and holden at *Williamsburg*, the Second Day of *November*, Anno Domini 1720, in the Seventh Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. And from thence continued, by several Prorogations, to the Ninth Day of *May*, 1722: Being the Second Session of this present General Assembly.

CHAP. I.

An Act for Encouraging the making of Tar and Hemp.

Preamble. I.  HEREAS it is found, by Experience, that the Lands in this Colony, whereon Pines grow in greatest Numbers, are for the most Part unfit for the Production of Tobacco, but yet may be of great Benefit to the Owners, for the making of Tar, if such Pine Trees were duly prepared for that Purpose: And whereas many Tracts of rich Land, lying remote from any navigable River, are now neglected, as inconvenient for the making of Tobacco, because of the Difficulty and Charges of Transporting the same to Water-Carriage; and nevertheless, may prove beneficial in the Production of Hemp. For the Encouragement of such Persons as will take up and improve such Piney and Remote Lands, for the Increase of His Majesty's Revenue of Quit-Rents, and for rendring this Colony yet more useful and advantageous to *Great-Britain*, by supplying the same with the afore-mentioned Commodities, so necessary for His Majesty's Navy, and the Increase of Shipping and Navigation:

1200l. cur-
rent Money
appropriated
to be paid to
the Exporters
of Tar.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That the Sum of Twelve Hundred Pounds current Money of this Colony, be appropriated and paid to the Person or Persons who shall make, or cause to be made and exported, good and merchantable Tar, which shall be made from green Trees, prepared after the following Manner; that is to say, That when such Trees were fit to bark, the Bark thereof

was

was stript Eight Foot, or thereabouts, up from the Root of each Tree, a Slip of the Bark, of about Four Inches in Breadth, having been left on one Side of each Tree; and that each Tree, after having been so barked, had stood One Year at the least, and was not before that Time cut down, for the making of Tar. And, that the further Sum of Four Thousand Pounds, of like Money, be likewise appropriated and paid, to such Person or Persons, who shall make, or cause to be made, Hemp, water-rotted, bright, and clean: Which said several Sums of Twelve Hundred Pounds, and Four Thousand Pounds, shall be given and paid, as a Reward or Præmium, for the Making and Exporting of Tar, and the Making of Hemp, after and according to the several Rates following; that is to say, ----- For every Barrel of Tar, made according to the above Directions, the Sum of Two Shillings: And for every Gross Hundred of Hemp, water-rotted, bright, and clean, as aforesaid, the Sum of Four Shillings, current Money of this Colony.

d. D. 1722.

4000l. ap-
propriated to
be paid to
Exporters of
Hemp.

Præmiums:
Tar, per Bar-
rel, 2 s.
Hemp, per
Hundred, 4 s.

III. *AND be it further Enacted, by the Authority aforesaid, That every Maker of any such Tar, who shall claim any Reward, by Virtue of this Act, shall, before he be intituled to receive the same, deliver a Note, in Writing, of the Mark and Number of each Barrel of Tar, so by him made; and shall make Oath, before some Justice of the Peace of the County wherein such Tar shall be made, That the same is good and merchantable, and according to the Directions of this Act; and that each Barrel thereof, is of the full Gage, and doth contain Thirty-Two Gallons of nett Tar; and that it was made on his Land or Plantation in the said County, or at what Place therein, and shall particularly describe the same: And obtain a Certificate thereof, from such Justice before whom such Oath shall be made.*

Method of
obtaining
Certificates
for the Boun-
ty Money, gi-
ven by this
Act.

IV. *AND be it further Enacted, by the Authority aforesaid, That all and every Person and Persons, who shall export any such Tar out of this Colony, before the same be exported, produce such Certificate to the Collector of the Customs, or the Naval Officer, of the District wherein such Tar shall be brought for Exportation; and shall then make Oath, That the Tar by him offered to be exported, is the same as is mentioned in such Certificate: And the said Collector, or Naval Officer, is hereby required to certify the same to the Governor or Commander in Chief of this Colony, for the Time being; who, upon the producing such Certificate, is hereby impowered and desired to issue his Warrant to the Treasurer of this Colony, for the Payment of such Sum and Sums, as shall appear due, by Virtue of this Act.*

V. *AND be it further Enacted, by the Authority aforesaid, That the Sherif or Under-Sherif of every County wherein any Hemp shall be made, being first duly sworn, before the Court of such County, so to do, shall truly weigh all Hemp, made within his County; and duly certify unto the said Court, the true Quantity thereof, together with the Name or Names of the Makers or Owners; and shall, at the Time of Weighing every Persons Hemp, give a Certificate to the Owner, of the Quantity by him then weighed; and that at the Time the same was so weighed, it was water-rotted, bright, and clean; and for such his Trouble have and receive from the Maker or Owner of such Hemp, the Sum of Five Shillings per Ton; and so in Proportion for a larger or less Quantity.*

This Clause
alter'd,
3 & 4 Geo. 2.
cap. 19.

VI. *AND be it further Enacted, by the Authority aforesaid, That every Maker or Owner of any such Hemp, made in this Colony, shall, before he or she shall be intituled to any Reward or Præmium, by Virtue of this Act, make Oath, before the Court of the County wherein such Hemp was made, of the just and true Quantity by him made, and that such Hemp is*

A. D. 1722.

water-rotted, bright and clean, and was made since the Commencement of this Act, upon his Plantation in such County, or on what Plantation the same was made, and that the same hath been weighed by the Sheriff or Under-Sheriff of the said County, and that he hath not theretofore received any Certificate for the same, or any Part thereof. And the Clerk of the said County is hereby required to certify the same, and the true Quantity thereof: And upon the producing such Certificate to the Governor or Commander in Chief of this Colony, for the Time being, he is hereby impowered and desired to issue his Warrant to the Treasurer of this Colony, for the Paiment of such Sum or Sums as shall appear due, by Virtue of this Act.

Persons con-
victed of Per-
jury, in ob-
taining Cer-
tificates, &c.
forfeit Four
Times the
Value of the
Reward.
Penalty,
how to be
recovered.

VII. *AND be it further Enacted, by the Authority aforesaid, That every Person and Persons, who, in obtaining any Certificate or Certificates, whereby to entitle him or themselves to the Reward or Præmium hereby given, shall make a false Oath, and be thereof lawfully convicted, such Person or Persons so offending, shall forfeit and pay Four Times the Money obtained for the Bounty, by Means of such false Oath: To be recovered, with Costs, in any Court of Record, within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, by the Person who shall inform, and sue for the same.*

Commence-
ment of this
Act.

VIII. *AND be it further Enacted, That this Act shall commence on the Twenty-Fourth Day of June next.*

C H A P. II.

An Act to oblige Ships, coming from Places infected with the Plague, to perform their Quarentine.

Preamble.

I. **W** H E R E A S several Places in *Europe*, are, and for some Time past have been, infected with the Plague: For preventing that Infection from being brought into this Dominion, by Persons or Merchandizes coming from such Places, by obliging all Persons concerned, to perform their Quarentine, in such Manner as shall be, in Times of Infection, ordered by His Majesty's Lieutenant-Governor, or by the Governor or Commander in Chief of this Colony and Dominion, for the Time being, by and with the Advice and Consent of His Majesty's Council: And for punishing Offenders therein, in a more expeditious Manner than at present can be, in the ordinary Methods of the Law,

Ships, &c.
coming from
Places infect-
ed with the
Plague, shall
perform Qua-
rentine, until
discharged.

II. *BE it Enacted, by the Honourable the Lieutenant-Governor, the Council, and Burgesses, of this General Assembly, and by the Authority of the same, That during the present Infection, and in all future Times, when any Foreign Countries or Places shall be infected with the Plague, all Ships or Vessels coming into this Dominion of Virginia, from Places so infected, shall be obliged to make their Quarentine, in such Place and Places, for such Time, and in such Manner, as shall from Time to Time be directed for that Purpose, by the Lieutenant-Governor, or by the Governor or Commander in Chief of this Dominion, for the Time being, by and with the Advice and Consent of His Majesty's Council: And that, during the Time, and until the respective Ships shall be discharged of such Quarentine, no Person coming, or Goods imported in such Ship or Ships, shall come on Shore, or go on any other Ship, or be landed or put into any other Ship, Vessel or Boat, in any Place*

No Persons
or Goods shall
be landed, du-
ring the Time.

Place within this Colony: Nor shall any Person go on Board any such Ship, without Licence first had and obtained in Writing, under the Hand of such Person or Persons who shall be authorized and appointed to see such Quarentine duly performed. And that the said Ships, and the Persons and Goods coming and imported in, or going on Board the same, during the Time of Quarentine; and all Ships, Vessels, Boats, and Persons, receiving any Goods or Persons under Quarentine, shall be subject to such Orders, Rules, and Directions, touching Quarentine, as shall be made by the Lieutenant-Governor, or the Governor or Commander in Chief of this Colony and Dominion, for the Time being, by and with the Advice and Consent of His Majesty's Council, and notified by Proclamation.

A. D. 1722.

Nor any go on Board, without Licence.

But the Ships, Persons, Goods, &c. shall be subject to Orders, &c. publish'd by Proclamation.

III. *AND be it further Enacted, by the Authority aforesaid,* That from and after the Publication of this Act, if any Commander, or Master, or other Person, taking Charge of any Ship or Vessel, so coming from any Place infected, as aforesaid, shall himself, or shall permit or suffer any Seamen belonging to such Ship, or any Passenger therein, to quit such Ship or Vessel, by going on Shore, or by going on Board any other Ship, Boat, or Vessel whatsoever, during the Time of the said Quarentine, and until such Ship shall be discharged from Quarentine, without such Licence first had and obtained, as aforesaid; then, and in all and every such Case and Cases, every such Ship and Vessel, with her Tackle, Apparel, and Furniture, shall be forfeited to His Majesty, his Heirs and Successors; and shall and may be seized, sued for, and recovered, in the Court of Vice-Admiralty in this Colony, to the Use of His Majesty, his Heirs and Successors. And further, that if any Person or Persons whatsoever, who shall arrive in any Port or Place within this Colony, in any Ship or Vessel, which shall, by Reason of its coming from any Foreign Country infected with the Plague, be obliged to perform Quarentine, shall, after the Publication of this Act, quit such Ship or Vessel, by coming on Shore, or by going on Board any other Ship or Vessel, before, or while under such Quarentine, it shall and may be lawful for the Persons appointed to see the Quarentine duly performed, to compel, and in Case of Resistance, by Force and Violence, to compel such Person and Persons to return on Board such Ship, and there to remain during the Time of Quarentine. And such Persons so leaving such Ship, and being thereof, after the Expiration of his Quarentine, convicted by the Oath of One or more credible Witnesses, before any One or more Justice or Justices of the Peace, living near the Place where the Offence shall be committed, shall forfeit such Sum, not exceeding Twenty Pounds, as such Justice or Justices shall adjudge; to be forthwith paid down, into the Hands of such Justice or Justices, who are hereby impowered, according to his or their Discretions, to reward the Informer out of the same, not exceeding One Third Part, and are hereby required to pay the Remainder, necessary Charges being deducted, to the Use of the Poor of the Parish, where such Conviction shall be had. And in Default of such Paiment, it shall be lawful for such Justice or Justices of the Peace, to commit such Offender to the Public Goal of the County where such Conviction shall be had, for any Time not exceeding One Month.

If any Captain, Passenger, or Seaman quits the Ship, by going on Shore, or on Board any other Ship, &c. during the Time of Quarentine, the Ship, &c. shall be forfeited to the Crown.

Officers may compel Persons quitting any Ship, &c. under Quarentine, to return on Board.

Penalty on Persons leaving their Ship, &c.

The Informer to be allowed, not exceeding £

And on Refusal of present Paiment, one Month's Imprisonment

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person whatsoever, from and after the Publication of this Act, shall presume to go on Board, and return from any such Ship or Vessel so required to do Quarentine, before, or during the Time of such Quarentine, without such Licence, as aforesaid, every such Offender shall and may be compelled, and in Case of Resistance, may by Force and Violence be compelled, by the Persons appointed, as aforesaid, to return on Board such Ship, and there to remain

Persons going on Board without Licence, shall be compelled to stay there, during the whole Time of Quarentine.

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main during the Time of her Quarentine; and the Master of such Ship is hereby obliged to keep and maintain such Person on Board accordingly.

Officers may
seize Boats,
&c. belong-
ing to the
Ship.

And if any
Person is per-
mitted by the
Officer, to
leave the Ship,
while under
Quarentine,
such Officer
forfeits 100l.

V. *AND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Officer of the Customs, or Others who shall be directed to take Care that such Quarentine be duly performed, to seize any Boat or Skiff belonging to such Ship or Vessel, or which shall be therewith found, and to detain the same, until such Quarentine shall be performed: And in Case any such Officer, or other Person so intrusted, as aforesaid, shall voluntarily suffer any Seaman belonging to such Ship or Vessel, or any Passenger therein, to quit such Ship or Vessel, while under Quarentine, every such Offender shall forfeit the Sum of One Hundred Pounds; One Moiety thereof to His Majesty, his Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Moiety to the Person or Persons who shall inform or sue for the same, in any Court of Record within this Colony: To be recovered, with Costs of Suit.*

Watches to
be kept Day
and Night.

VI. *AND be it further Enacted, by the Authority aforesaid, That the Persons appointed to see the said Quarentines performed, in the several Counties adjoining to the Places where the Quarentines are or shall be appointed to be performed, do, and they, or any One or more of them, are hereby required, forthwith, and from Time to Time, when Quarentine shall be appointed to be performed, to cause Watches to be kept both Day and Night, in the most proper and convenient Places, within the several adjacent Parishes, with strict Orders to them, and they are hereby required, not to permit or suffer any Person whatsoever, to come on Shore from, or go on Board any Ships under Quarentine, except such only as have, or shall have, the Charge of seeing the Quarentine duly performed, or as shall be licenced, as aforesaid.*

After Perfor-
mance of Qua-
rentine, &c.
the Ship, &c.
shall be re-
leased.

VII. *AND it is further Enacted, That after Quarentine shall have been duly performed by any Ship or Vessel, and the Person or Persons therein, according to the Proclamation to be issued, by the Lieutenant-Governor, or the Governor or Commander in Chief of this Colony, for the Time being, with the Advice and Consent of the Council, as aforesaid, and this Act; and upon Proof to be made, by the Oaths of the Master or other Person having the Charge of the said Ship, and Two of the Persons belonging to such Ship or Vessel, before any Officer of the Customs of this Colony, of the Port or Place where such Quarentine shall be performed, or before any other Person to be appointed to see such Quarentine performed, (who are hereby authorized and required to administer such Oath,) That such Ship or Vessel, and all and every the Person and Persons therein, have duly performed the Quarentine, as aforesaid; and that the Ship or Vessel, and all the Persons on Board, are free from Infection; then, and in such Case, such Officer of the Customs, or other Person to be appointed, as aforesaid, are hereby required to give a Certificate thereof; and thereupon, such Ship or Vessel, and all, and every Person and Persons therein, and thereunto belonging, shall be liable to no further Restraint or Detention during that Voiage, by Reason of any Matter or Thing contained in this Act.*

But Goods
imported shall
be opened &
aired.

VIII. *PROVIDED nevertheless, and it is hereby Enacted, That the Goods imported in such Ships, shall, after such Quarentine performed, be opened and aired, in such Place or Places, and for such Time as shall be directed by such Proclamation, as aforesaid.*

C H A P. III.

An Act for enforcing and rendring more effectual the Treaties already made, or hereafter to be made, with Foreign Indians.

I. **W**HEREAS the *Indians* of the Five Nations, and Others their Dependants, having Wars with divers Nations of Southern *Indians*, for many Years past have taken their Marches along the Frontiers of this Colony, and many Robberies and other Hostilities have been committed by their Parties, to the great Damage and Disturbance of the Inhabitants in the said Frontier Settlements: And whereas, for preventing the like Injuries for the future, several Treaties have been set on Foot with sundry of the *Indian* Nations, inhabiting within the Limits of His Majesty's Plantations to the Northward of this Dominion, as well for restraining the said *Indians* within certain Limits in their Marches and Huntings, as for preventing any Combinations between them and the *Indians* tributary to this Government, which might prove prejudicial to the Public Peace: And more especially, certain preliminary Articles having been proposed on the Part of this Government, and agreed to by the *Indians* of the Five Nations, whereby the said Five Nations have solemnly and faithfully promised, that none of their *Indians* shall, at any Time hereafter, cross *Potowmack* River, nor pass to the Eastward of the great Ridge of Mountains, without a Licence or Passport from the Governor of the Province of *New-York*, for the Time being; and on the other Hand, the *Indians* tributary to this Government, have, in like Manner, solemnly engaged, that none of them shall pass over *Potowmack* River, or go to the Westward of the same great Ridge of Mountains, without the Licence or Passport of the Governor of this His Majesty's Colony and Dominion, for the Time being: Which said Preliminaries are now intended to be speedily ratified, in a Treaty intended to be had between Commissioners from this Government, and the said Five Nations, at *Albany*. For the better enforcing and rendring more effectual the said Preliminaries, and such other Treaty as shall hereafter be entred into, for the Security of His Majesty's Subjects inhabiting this Dominion,

Preamble.

Preliminary Articles of a Treaty of Peace concluded at *Albany*.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That from and after the Ratification of the present intended Treaty at Albany, it shall not be lawful for any Indian or Indians tributary to this Government, to cross Potowmack River, nor pass the great Ridge of Mountains lying Westward of the inhabited Parts of this Colony, without a Licence or Passport first had and obtained from the Governor or Commander in Chief of this Dominion, for the Time being, under the Seal of the Colony, containing the Number of the Indians so licenced, and the Occasion for which the same shall be granted: And if any Indian or Indians tributary to this Government, shall, after the Time aforesaid, presume to pass to the Northward of Potowmack River, or to the Westward of the great Ridge of Mountains, or shall go in greater Numbers than are particularly mentioned in such Licence, every Indian and Indians so offending, and being thereof convicted, shall suffer Death, or be transported to the West-Indies, there to be sold as Slaves, as shall be awarded by the Court, hereby appointed for Trial of the said Offences. And if any such tributary Indian, departing out of the Limits aforesaid, without such Pass as is afore-mentioned, shall there happen to be killed, either by Foreign Indians, or by any of His Majesty's*

After Ratification of the Treaty, no tributary Indians shall cross Potowmack River, or pass Westward of the great Ridge of Mountains, without Licence from the Governor of *Virginia*.

Offenders against this Act, punishable by Death or Transportation, and may be killed, or sold for Slaves, &c.

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Majesty's Subjects inhabiting the Parts or Places beyond the said Limits, or shall be, by either of them, taken up and transported or sold, no Reparation or Satisfaction shall be demanded by this Government, for such Killing or Transportation.

No Indians of the Five Nations shall pass Southward of Potomack River, or Eastward of the Ridge of Mountains, without a Passport from the Governor of New-York, under the like Penalties.

Governor & Council may hold Court for Trial of Offenders against this Act.

III. *AND be it further Enacted, by the Authority aforesaid*, That none of the *Indians* of the Five Nations shall, from and after the Ratification of the present intended Treaty at *Albany*, be permitted to hunt, or travel in or through any Part of this Dominion, lying on the South Side of *Potomack* River, or on the East Side of the said great Ridge of Mountains, without the Licence or Passport of the Governor or Commander in Chief of the Province of *New-York*, for the Time being. And if any of the said *Indians* of the Five Nations shall, from and after the Time aforesaid, be found travelling, hunting, or ranging, within the Limits herein before-mentioned, without such Licence or Pass, every *Indian* or *Indians* so offending, shall incur the like Penalties as are herein before inflicted on the Tributary *Indians*.

IV. *AND be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful to and for the Governor or Commander in Chief of this Dominion, and His Majesty's Council, or any Five of them, (whereof the said Governor or Commander in Chief to be One) to hold a Court at any Time or Place within this Colony, where such Governor or Commander in Chief shall appoint, to hear and determine all Offences against this Act; and to take for Proof the Oath of One or more credible Witnesses, or such *Indian* Testimony, or pregnant Circumstances, as shall be convincing, and to proceed thereon, without the Solemnity of a Jury.

Premium for taking up Offenders.

V. *AND be it further Enacted, by the Authority aforesaid*, That when any such *Indian* shall be condemned to Death, there shall be paid to the Person taking up such *Indian*, the Sum of One Thousand Pounds of Tobacco; to be paid by the Public, for each *Indian* so by him taken up; and if such *Indian* shall be condemned to Transportation, the Taker-up shall have the Benefit of selling and disposing of the said *Indian*, and have and receive to his own Use, the Money arising by such Sale.

But Governor & Council may mitigate or remit the Punishments, &c.

VI. *PROVIDED always, and be it Enacted*, That where the Governor or Commander in Chief of this Dominion, for the Time being, shall find any Offenders against this Act, fit Objects of Mercy, it shall and may be lawful for him, with the Advice and Consent aforesaid, to mitigate such Punishment, or totally remit the same, and send the Offender or Offenders back to his or their Nation, as shall be most conducive to the Service and Interest of this Colony.

All Indians, who hereafter become tributaries, or agree to Bounds & Limits, &c. liable to the Punishments inflicted by this Act.

VII. *AND be it further Enacted, by the Authority aforesaid*, That all and every Nation of *Indians* who shall hereafter become tributary to this Government, and all and every Nation of Foreign *Indians*, who shall, at any Time hereafter, by Treaty with this Government, agree to be confined to certain Limits and Bounds in their Hunting and Travelling, shall be liable to the like Punishments and Penalties, for departing out of the same: And the Governor or Commander in Chief of this Dominion, for the Time being, with the Advice and Consent of the Council, shall have the same Powers and Authorities of punishing or pardoning the said Offences committed by such *Indians*, as are herein before inflicted, directed, or given.

Note, A Copy of this Act was delivered to the Great Men of the Five Nations, under the Seal of the Colony, at the Treaty at *Albany*, in September, 1722, and by them Ratified.

C H A P.

A. D. 1722.

C H A P. IV.

An Act for the further Improving the Staple of Tobacco. E X P.

C H A P. V.

An Act for Amending the Act concerning Servants and Slaves; and for the better Government of Convicts imported; and for the further Preventing the clandestine Transportation of Persons out of this Colony. R E P.

Repealed
by Proclama-
tion, 18 Jan.
1723.

C H A P. VI.

An Act for Punishing mutinous and disobedient Seamen; and for the more speedy Determination of Controversies arising between Masters of Ships, and their Crews.

I. **W** H E R E A S great Damage doth daily arise to the Trade of this Colony, by the mutinous Behaviour of Seamen, employed on Board Ships and Vessels: For Remedy whereof,

Preamble,

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That if any Seaman, belonging to any Ship or Vessel, trading within this Colony, shall, without the Licence of his Commander, go on Shore, and absent himself from his Duty, every such Seaman shall, for every such Offence, forfeit and pay the Sum of Five Shillings current Money; to be recovered before any Justice of the Peace of this Colony, by the Master, or any of the Crew of the Ship or Vessel, to which such Seaman belongs: And in Case such Seaman shall not make present Paiment, or give Security for the Paiment thereof, out of his Wages, when due, he shall then receive Ten Lashes on his bare Back, well laid on.*

If any Sea-
man goes on
shore, &c.
without
Leave from
his Comman-
der, he shall
pay 5 s. or be
whipped.

III. *AND be it further Enacted, That if any Seaman, sent in any Sloop, Boat, or other Vessel, for the Delivery of Goods from on Board, or fetching Tobacco or other Merchandize, for the Lading of any Ship, shall disobey the lawful Commands of his Captain, or any other Officer appointed by him, for taking Charge of such Sloop, Boat, or Vessel, every Person so offending, shall, upon Complaint, and Proof thereof made, before any One Justice of the Peace within this Colony, have and receive Twenty Lashes on his bare Back, well laid on.*

Disobedient
Seamen to be
whipped.

IV. *AND, for Preventing and Punishing Mutinies, happening on Ship-board, Be it Enacted, by the Authority aforesaid, That if any Person, hired to serve on Board any Ship or Vessel, shall obstinately refuse to obey the just*

Two Justi-
ces of Peace
(one to be of
the Quorum)
and

A. D. 1722.
may hear and
determine
Complaints of
Masters a-
gainst their
Sailors, &c.
and award
Fines or cor-
poral Punish-
ments against
Offenders.

On Refusal
of Paiment, or
Security for
the good Be-
haviour, 39
Lashes.

No Master of
a Ship, &c.
shall hire, &c.
any Seaman
who hath be-
long'd to ano-
ther Ship,
without a
Discharge
from his for-
mer Comman-
der, under Pe-
nalty of 10l.
Seamen tra-
velling with-
out Certifi-
cate, may be
taken up as
Runaways.

Vid. 9 Anne,
cap. 13.

Penalty on
Ordinary-
Keepers en-
tertaining Sea-
men not ha-
ving Certifi-
cates.

Duty of Com-
manders, &c.

and lawful Commands of his Captain, Master, or other superior Officer, or shall lift his Hand against such Captain, Master, or other superior Officer, or threaten any bodily Hurt or Damage to either of them, or shall wilfully neglect his Duty on Board, not being sick, or otherwise disabled to perform the same, it shall and may be lawful, to and for any Two Justices of the Peace, near to the Place where such Ship or Vessel rides, (one of which Justices to be of the *Quorum*) upon Complaint thereof to them made, to cause to come before them the Party offending, together with such Witnesses as either Party shall desire, at some convenient Place near where the said Ship rides, and summarily to hear and determine such Complaint; and upon due Proof of such Offence, to impose such Mulct or Fine on the Party offending, to be paid to the Party injured, as to them shall seem just, not exceeding Three Months Pay; and if the Nature of the Offence shall require it, to order and direct such Corporal Punishment on the Offender, as they shall think fit. And if any Person, convicted of any of the Offences aforesaid, shall not make present Paiment, or give sufficient Security for the Paiment thereof, out of his Wages, when due, and also for his future good Behaviour, and due Performance of the Voiage, every Person refusing such Paiment, or to give such Security, shall receive on his bare Back Thirty-Nine Lashes well laid on; and then be remanded to his Service on Board.

V. *AND be it further Enacted, by the Authority aforesaid, That no* Master of a Ship or Vessel, within this Colony, shall hire, receive, or entertain any Seaman, which hath, since the Passing of this Act, belonged to any other Ship or Vessel, trading within this Dominion, without a Discharge under the Hand and Seal of his former Commander, under the Penalty of Ten Pounds Current Money of *Virginia*: To be recovered, with Costs, by any Person or Persons, who will inform or sue for the same, in any Court of Record within this Dominion.

VI. *AND, for further Preventing the Defertion of Seamen, Be it Enacted, by the Authority aforesaid, That no Seaman whatsoever, not being employed by the Commander of the Ship to which he belongs, shall travel through this Dominion, without Certificate, under the Hand and Seal of the Master or Commander of the Ship or Vessel to which such Seaman last belonged, That such Seaman hath been by him discharged. And if any Seaman shall be found travelling through this Colony, without such Certificate as is herein before directed, every such Seaman shall and may be taken up, and conveyed back to the Ship to which he belonged, or (if such Ship be departed out of this Colony) put on Board any of His Majesty's Ships of War, which shall happen to be here, in the same Manner as is prescribed by one Act, made at a General Assembly, held the Twenty-Fifth Day of October, in the Ninth Year of our late Sovereign Lady Queen Anne, intituled, An Act for Prohibiting Seamen being harbored or entertained on Shore. And all and every Person and Persons, taking up, securing, and conveying on Board such Seaman, shall be intituled to the same Rewards, as in and by the said last-mentioned Act are appointed; and shall be liable to the same Penalties, for wilfully or negligently suffering such Seaman or Seamen to escape. And if any Ordinary-Keeper, or other Person, shall harbor or entertain any Seaman, not having such Certificate, as aforesaid, every Person so offending, shall be liable to the like Forfeiture as by the afore-mentioned Act, for Preventing Seamen being harbored or entertained on Shore, is appointed; and to be recovered in the Manner therein prescribed.*

VII. *AND, to the End the Complaints of Seamen against their Commanders, may be redressed, Be it further Enacted, by the Authority aforesaid,*

said, That all and every Master or Commander of any Ship or Vessel, trading within this Colony, shall find, allow, and provide, good and sufficient Diet and Accommodation, for all Persons under his or their Command, on Board such Ship or Vessel, according to the Usage in the Merchants Service; and also shall provide and furnish, or cause to be provided and furnished, the like good and sufficient Provision of wholesome Victuals, to all Persons employed by him or them, in Sloops, Boats, or other Vessels, sent from his or their Ship or Vessel, for the Delivery or bringing on Board of Goods and Merchandizes, proportionable to the Distance of Place, and Length of Time, wherein such Persons so employed may reasonably be absent. And if any Master or Commander, shall neglect or refuse, in either of the Cases aforesaid, to find and allow such reasonable Provision and Accommodation, upon Complaint thereof made to any Justice of the Peace, residing next to the Place where such Ship or Vessel shall ride, such Justice is hereby impowered and required, to call before him such Master or Commander, and to examine into the said Complaint; and thereupon to order such Compensation and Satisfaction to be made to the Person or Persons injured, as to him shall seem just; and if Need be, to award Execution against the Body or Goods of such Master or Commander.

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Justice of Peace may receive Complaints of Seamen against their Commanders, and award Satisfaction, &c.

VIII. *AND be it further Enacted*, That where a Master of a Ship or Vessel, shall discharge any Seaman out of his Service, such Master shall be, and he is hereby enjoined, to give such Seaman a Certificate of his Discharge, in the Manner herein before-mentioned, that he may thereby be enabled to obtain Entertainment on Board some other Ship or Vessel, under the Penalty of Five Pounds current Money; to be paid by such Master or Commander, and to be recovered by such Seaman, before any Justice of the Peace within this Dominion.

Masters of Ships, &c. discharging a Seaman, shall give him a Certificate of Discharge, on Penalty of 5l. recoverable before a Justice of Peace.

IX. *AND be it further Enacted, by the Authority aforesaid*, That if any Master or Commander of any Ship or Vessel, trading within this Dominion, shall immoderately beat, wound, or maim, any Seaman, belonging to his Ship or Vessel, upon Complaint thereof made to any Justice of the Peace, such Justice is hereby impowered and required, by Warrant under his Hand, directed to the Sheriff or Constable, to cause such Master or Commander to be brought before him, and to take sufficient Security for his good Behaviour. And moreover, such Master or Commander shall be liable to the Suit or Prosecution of the Party grieved, for all such Damages as he shall sustain, by means of such Beating, Wounding, or Maiming.

If a Commander immoderately beats, &c. any of his Crew, he shall be bound to the good Behaviour, & liable to the Suit of the Party grieved.

X. *PROVIDED always*, That nothing herein contained, shall be construed, deemed, or taken, to limit or restrain the Power, Authority and Jurisdiction of the Lord High Admiral of *Great-Britain*, the Vice Admiral of this Dominion, or Judge of the Vice Admiralty, for the Time being, in any Matter or Thing, properly belonging to the Cognizance of the Admiralty Court.

Saving to the Jurisdiction of the Court of Admiralty.

A. D. 1722.

C H A P. VII.

An Act for the more effectual Clearing of Rivers and Creeks.

Preamble.

I. **W**HEREAS, many of the Rivers and Creeks, in this Colony, are stopped and choaked up, by the Fall of Trees, Stumps, and Rubbish therein, and Hedges have, in many Places of the said Rivers and Creeks, been made cross the same, whereby the Passage of Boats and Vessels is hindered and obstructed, to the great Damage of the Inhabitants of this Colony, and Hindrance of their Trade and Commerce. And whereas the said Rivers or Creeks generally divide Two Counties, the Inhabitants whereof have refused to join in Clearing the same: For Remedy whereof, and that so beneficial a Work may be effected,

Where Two Counties are divided by a River or Creek, each County shall contribute towards the Charge of Clearing, &c.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That where it shall happen, any River or Creek in this Colony, shall divide Two Counties, and the Course of the said River or Creek be stopped or obstructed, by the Fall of any Trees or Stumps, or otherwise, it shall and may be lawful for the Courts of each of the said Counties, and they are hereby required, to contract and agree with such Person or Persons as they shall think fit, to clear the said Rivers or Creeks: And that the said Courts be and are hereby impowered and required, to levy such Quantity of Tobacco, as shall be sufficient to pay and discharge the Workmen concerned or employed therein, in Proportion to the Number of the Tithables in each of the said Counties.

No Hedges shall be made, or suffer'd to be continued, cross any River or Creek, on Penalty of 200 lb. Tob. for setting the Hedge, and 100 lb. Tob. per Week for the Continuance.

III. *AND be it further Enacted, by the Authority aforesaid,* That all Hedges already made cross any of the said Rivers or Creeks, be taken up and destroyed, by the Person or Persons who made or placed the same: And that, for the future, no Hedge, that shall in any wise obstruct the Passage of the said Rivers or Creeks, or any of them, shall be placed or set therein: But that every Person, who shall not pull up and destroy any and every Hedge, already by him set, in any of the said Rivers or Creeks, or who shall hereafter presume to set any such Hedge therein, shall, for every such Offence, forfeit and pay Two Hundred Pounds of Tobacco. And if, after Conviction, the Person or Persons so offending, shall suffer the said Hedges, or any of them, to continue, and not pull up and destroy the same, he or they so offending, shall, for every Week they shall suffer the same to remain, forfeit and pay One Hundred Pounds of Tobacco, to the Informer: To be recovered, with Costs, before any Justice of the Peace of either of the said Counties.

Where a River, &c. is in one County only, the Court of that County shall contract for the Clearing, &c.

IV. *AND be it further Enacted, by the Authority aforesaid,* That where any River or Creek shall be in One County only, it shall and may be lawful for the Court of the said County, and they are hereby impowered and required, to contract and agree with any Person or Persons to clear the same. And, that the said Courts be and are hereby also impowered and required to levy such Quantity of Tobacco, as shall be sufficient to discharge such Agreement. And that all such Hedges already made therein, shall be pulled up and destroyed, by such Person or Persons who shall have placed the same; and no such Hedge for the future shall be set, or suffered to continue in any River or Creek, by any Person whatsoever; under the like Forfeitures and Penalties as are herein before set forth; and to be recovered in such Manner, and for the Use of such Person or Persons, as is herein also before directed.

C H A P.

A. D. 1712.

C H A P. VIII.

An Act for Settling new Ferries over York, Rappahanock, and Pamunkey Rivers.

I. **W** H E R E A S, by reason of the Increase of Settlements, within this Colony, the Ferries already established by Law, are not sufficient to answer the Ends thereby intended: Preamble;

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That Ferries be constantly kept at the Places hereafter named; and that the Rates for Passing the said Ferries, be as follow: That is to say, New Ferries appointed.

On York River,

F R O M the Lower Side of the Creek, below *Poplar Neck*, to the Land formerly belonging to *Doctor Green*, now in the Tenure of *Robert Porteus*, Esq; the Price for a Man, Fifteen Pence, and for a Horse, Fifteen Pence. Places and Rates of Ferriage.
And the same from *Doctor Green's* Land, to the aforesaid Creek.

On Rappahanock River,

F R O M *Mrs. Fitzbugh's* Plantation, in *King George* County, to the Wharf, on the leased Land of *Thomas Buckner*, and *John Royston*, the Price for a Man, Three Pence, and for a Horse, Three Pence.

F R O M *Germanna*, over the River *Rappidan*, a Branch of the said River *Rappahanock*, the Price for a Man, Three Pence, for a Horse, Three Pence.

F R O M *Field's* Plantation, in *Spotsylvania*, to *Colonel Ludwell's* Plantation, in *King George* County, for a Man, Three Pence, for a Horse, Three Pence.

F R O M *Robert Ray's* Plantation, over the said River, to *Mr. Samuel Skinker's*, the Price for a Man, Six Pence, and for a Horse, Six Pence.

A N D, from *Urbanna*, over the said River, to *Thomas Chetwood's*, the Price for a Man, Two Shillings, and for a Horse, Two Shillings.

On Pamunkey River,

F R O M *George Dabney's* Landing, over the said River, the Price for a Man, Three Pence, and for a Horse, Three Pence.

F R O M *Mrs. Garland's*, in the County of *Hanover*, over the River, to *Mrs. Littlepage's* Land, in the County of *King William*, the Price for a Man, Three Pence, and for a Horse, Three Pence.

A N D, from *David Anderson's*, in the County of *King William*, to *Peter Garland's* Land, in the County of *Hanover*, the Price for a Man, Three Pence, and for a Horse, Three Pence.

A. D. 1722.

Keepers of
these Ferries
under the like
Regulations,
&c. as others
appointed by
former Laws.
Vide 4 Anna,
Cap. 53.

III. *AND* be it further Enacted, by the Authority aforesaid, That the Licences for keeping the said Ferries, shall be obtained after such Manner, and the Keepers thereof be under such Regulations, Advantages, and Restrictions, as are mentioned, prescribed, and comprized, in and by one Act of Assembly, made in the Fourth Year of our late Sovereign Lady, Queen Anne, intituled, *An Act for the Regulation and Settlement of Ferries; and for Dispatch of public Expresses.*

IV. *AND*, for the Encouragement of all Ferry-Keepers, within this Colony, to provide convenient Boats, for the Transportation of Coaches, Carts, and Waggon, *Be it Enacted, by the Authority aforesaid,* That where Ferries are already, or hereby established, it shall and may be lawful, to and for the Courts of the Counties wherein such Ferries are kept, at any Time, when they shall find it necessary, for the Conveniency of Travellers, and Transportation of Goods and Merchandize, to direct and appoint proper Boats to be kept at the said Ferries, for the convenient Transportation of Coaches, Waggon, and other Wheel-Carriages.

Rates for
Wheel Car-
riages.

V. *AND*, when such Boats shall be provided and kept, *Be it further Enacted,* That it shall and may be lawful, for the Keeper or Keepers of such Ferries, to demand and take, for the Ferriage and Transportation of such Wheel-Carriages, after the Rates following: That is to say, ----- For every Coach, Chariot, or Chaise with Four Wheels, or Waggon, the same Rates as are by Law established at such Ferries respectively, for the Ferriage of Six Horses; and for every Two Wheel Chaise or Cart, the same Rate as is by Law established for the Ferriage of Four Horses; and no more.

C H A P. IX.

An Act for making the Public Prisons in Williamsburg more convenient; and for building a House for the Keeper thereof.

Preamble.

I. **W**HEREAS the Public Goal of this Colony, and the Prison for Debtors to be committed to, by the General Court, are inconvenient, and it is requisite that a House, adjacent to the said Prisons, be built for the Accommodation of the Keeper thereof, and convenient Alterations should be made, to render the said Prisons more secure and commodious for the Prisoners to be committed thereto:

359l. appro-
priated for
Buildings, &c.
to be added to
the Public
Prison, &c.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That as soon as conveniently may be, after the passing this Act, one Lot or Half Acre of Ground, lying in the City of Williamsburg, as near as may be to the Place where the said Prisons now stand, be set apart and appropriated for the erecting and building a House for the Keeper of the said Prisons, and a Wall of Brick to inclose a Yard on the South Side of the same: And that such Alterations be made in the said Prisons, or either of them, as shall be thought fit, by the Persons for that Purpose hereafter named, or by the Survivor of them, to render the said Prisons more commodious and secure: And that a Sum, not exceeding Three Hundred and

and Fifty Nine Pounds, be set apart, and appropriated for and towards the carrying on, compleating, and finishing such Works. A. D. 1722.

III. *AND be it further Enacted, by the Authority aforesaid, That John Holloway, John Clayton, and Archibald Blair, Gentlemen, and the Survivor of them, shall and may, and they are hereby impowered to agree with, hire, and employ such and so many Workmen and Labourers, and to provide, furnish, and buy such Materials, as they, or the Survivor of them, shall think convenient and proper to be employed and made use of, in and about such Buildings and Alterations. And that they, the said John Holloway, John Clayton, and Archibald Blair, Gentlemen, or the Survivor of them, as often as he or they shall have Occasion for Money for the Uses aforesaid, shall and may apply him or themselves to the Honourable the Lieutenant-Governor, or the Governor and Commander in Chief of this Colony, for the Time being, and he is hereby impowered and desired to issue his Warrant to the Treasurer of this Colony, to pay so much Money as there shall be Occasion for, for the Purposes aforesaid, (not exceeding the said Sum of Three Hundred and Fifty Nine Pounds, as aforesaid,) who is hereby required to pay the same accordingly.* Commissioners to employ Workmen, &c.

IV. *AND be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, the Places for the receiving and safe-keeping of Debtors and Criminals in the said Prisons, or either of them, be as follow; that is to say, That the Two Rooms at the East End of the now Criminals Goal, be appropriated and kept for the receiving and safe-keeping of Debtors to be committed by the General Court; and that the Two Rooms at the West End of the said Criminals Goal, and the said General Court Prison for Debtors, be appropriated and kept for the receiving and safe-keeping of Criminals committed to the Public Goal of this Colony. And that the Person who now is, or shall at any Time hereafter be appointed Keeper of the Public Goal of this Colony, during the Time he shall so continue, be, and is also hereby constituted and appointed Keeper of the Goal for Debtors, to be committed by the General Court; any thing in any Act or Acts heretofore made, which relate to the receiving and keeping of Prisoners, to the said Goals, or either of them, or to the Keepers thereof, contained to the contrary thereof, in any-wise, notwithstanding.* Prison for Debtors.
Goal for Criminals.

V. *AND be it further Enacted, That the Keeper of the said Public Prisons, for the Time being, be, and he is hereby declared exempted from all Musters of the Militia, and from serving on any Jury, during his Continuance in the said Office.* Goal Keeper exempted from serving in the Militia, or on Juries.

C H A P. X.

An Act for amending the Breed of Horses. E X P. at the End of the Session, 1730.

C H A P. XI.

An Act for raising a Public Levy. E X P.

C H A P.

A. D. 1722.

Private Acts.

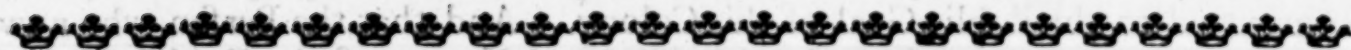
CHAP. 12. *An Act for the preventing of Swine going at large within the City of Williamsburg, or the Limits thereof.*

13. *An Act for building a Church in the Parish of Accomack.*

14. *An Act for the Vesting the Fee Simple Estate of certain Lands, in William Beverley, of the County of King and Queen, Gent. upon certain Considerations therein mentioned.*

15. *An Act to enable John Blincoe, to sell certain entailed Lands, upon his settling other Lands to the same Uses.*

16. *An Act to enable Francis Smith to convey certain entailed Lands to John Spicer, Gent. in Fee Simple, upon the said John Spicer's conveying other Lands therein mentioned, to the same Uses.*



Signed by ALEXANDER SPOTSWOOD, Esq; Governor.

John Holloway, Speaker.



At

At a GENERAL ASSEMBLY, summoned to
 be held at *Williamsburg*, the Fifth Day of
December, Anno Domini 1722, in the Ninth
 Year of the Reign of our Sovereign Lord
 GEORGE, by the Grace of God, of *Great-*
Britain, France, and Ireland, King, Defender
 of the Faith, &c. And by Writ of Proro-
 gation, begun and holden on the Ninth Day
 of *May*, 1723.

HUGH DAVIS-
 DALE, Esq;
 Governor.

CHAP. I.

An Act for laying a Duty on Liquors and Slaves. R E P.

Repealed by
 Proclamation,
 Oct. 27, 1724.

CHAP. II.

An Act for the Settling and better Regulation of the Militia.

I. **W**HEREAS a due Regulation of the Militia is absolutely neces- Preamble.
 sary for the Defence of this Country, and the Act now in Force,
 doth not sufficiently provide for the same,

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and* All Freemen
Burgesses, of this present General Assembly, and it is hereby Enacted, by from 21 to 60
the Authority of the same, That from and after the Publication of this Act, Years of Age,
 the Colonel, or Chief Officer of the Militia of every County, have full Power shall be lifted
 and Authority to lift all Free Male Persons whatsoever, from Twenty One to in every Coun-
 Sixty Years of Age, within his respective County, to serve in Horse or Foot; ty, to serve in
 having Regard to the Ability of each Person, and to order and place them the Militia,
 under the Command of such Captain as he shall think fit. &c.

III. *PROVIDED nevertheless, That nothing herein contained, shall* Persons ex-
 be construed to compel any Person or Persons that shall be, or shall have been, emptied from
 of His Majesty's Council in this Colony, Speaker of the House of Burgesses, Personal Ser-
 vice.
 Secretary

A. D. 1723.

But shall provide a Trooper, with Horse, & Accoutrements, to serve &c. at Musters.

Secretary of this Colony, Judge of the Court of Vice-Admiralty, His Majesty's Attorney-General, a Justice of the Peace, or any Person that shall have born any Military Commission within this Colony, as high as the Commission of a Captain, or the Clerk of the Council, for the Time being, or the Clerk of the General Court, for the Time being, or any County Court Clerk, during his being such, Personally to appear at any Musters: But that all, and every the Persons aforesaid, shall and may, and are hereby required, to find and provide one able-bodied white Man, a good Horse, and such Troopers Accoutrements, as are herein after-mentioned, who shall constantly appear and exercise at all Musters.

Persons exempted from being lifted.

IV. *PROVIDED nevertheless*, That nothing herein contained, shall impower or enable any Colonel, or Commander in Chief, to lift, or cause to be lifted, any Minister of the Church of *England*, or the President, Masters, Professors, or Students, of the College of *William and Mary*, during the Time of their being such; or any Person being employed as an Overseer, and having Four or more Slaves under his Care; or any Miller, having a Mill under his Charge and Keeping; or the Founders, Keepers, or any other Persons employed in or about any Iron, Copper, or Lead Work, or any other Mine, during the Time of their being so employed; or any Free Negro, Mullatto, or *Indian*.

Free Negros, Mullattos, or *Indians*, compellable to serve as Drummers, Trumpeters, Pioneers, &c.

V. *PROVIDED always*, That such Free Negros, Mullattos, or *Indians*, as are capable, may be lifted and employed as Drummers or Trumpeters: And that upon any Invasion, Insurrection, or Rebellion, all Free Negros, Mullattos, or *Indians*, shall be obliged to attend and march with the Militia, and to do the Duty of Pioneers, or such other servile Labour as they shall be directed to perform.

Overseers, Millers, Free Negros, Mullattos, or *Indians*, presuming to appear at any Muster, shall pay 100 lb Tobacco, or be tied Neck and Heels.

VI. *AND be it further Enacted, by the Authority aforesaid*, That if any exempted Overseer, or Miller, or any Free Negro, Mullatto, or *Indian*, other than as before excepted, shall presume to appear at any Muster whatsoever, the Party so offending, shall, for every such Offence, forfeit and pay One Hundred Pounds of Tobacco, and shall immediately give Security to the said Commanding Officer, for Paiment of the same: Which Fine or Fines shall be disposed of in such Manner, and to such Uses, as the other Fines herein after-mentioned. And each Person failing to pay, or give Security, as aforesaid, shall, by Order of the said Commanding Officer, be tied Neck and Heels, and so remain for any Time not exceeding Twenty Minutes.

Arms, Ammunition, &c. to be provided by every Soldier of Horse or Foot.

VII. *AND be it further Enacted, by the Authority aforesaid*, That every Soldier belonging to the Horse, be provided with a good serviceable Horse, a good Saddle, with Breast-plate, Crupper, and Curb Bridle, Holsters, and a Case of Pistols, cutting Sword or Cutlace, and double Cartouch Box, and Six Charges of Powder, and constantly appear with the same at Time and Place appointed for Muster and Exercise; and shall keep at his Place of Abode, a well fixed Carbine, with Bolt and Swivel, One Pound of Powder, and Four Pounds of Shot, and bring the same into the Field with him when thereunto specially required. And that every Foot Soldier be provided with a Firelock, Musquet, or Fuzee, well fixed, and Bayonet fitted to such Musquet or Fuzee, or a good cutting Sword or Cutlace, a Cartouch Box, and Three Charges of Powder, and appear constantly with the same, at the Time and Place appointed for Muster and Exercise; and shall keep at his Place of Abode, One Pound of Powder, and Four Pounds of Shot, and bring the same into the Field with him, when thereunto specially required.

VIII. *AND*

A. D. 1723.

If any Soldier fails to appear, when required, or is unprovided with Arms, &c. he shall be fined 100l. Tobacco.

But Eighteen Months shall be allowed to each Soldier, after he is lifted, to furnish himself with Arms, &c.

Penalty on Officers failing to appear, or to exercise their Men.

Horses and Accoutrements, Arms, & Ammunition, provided & kept, pursuant to this Act, shall not be liable to Seizure or Distress.

Chief Officer of every County, shall cause a general Muster to be made once a Year; and every Captain shall muster his Troop or Company Quarterly.

None to be fined above 5 Times in one Year.

Penalty on disobedient or refractory Soldiers.

VIII. *AND be it further Enacted, by the Authority aforesaid, That* whatsoever Soldier shall fail to appear at any Time and Place appointed, or appearing, shall not be furnished and provided with Arms and Ammunition, as aforesaid, for Muster and Exercise, or shall not keep at his Place of Abode, what by this Act he is directed, such Soldier, for every such Failure, shall be fined One Hundred Pounds of Tobacco.

IX. *PROVIDED always, and be it Enacted, That* Eighteen Months Time be given and allowed to each Soldier, to furnish and provide himself with Arms and Ammunition, according to this Act; and that no Soldier be fined for appearing without, or not having the same at his Place of Abode, until he hath been lifted Eighteen Months, after the passing of this Act; any thing in this Act to the contrary, or seeming to the contrary, notwithstanding: So as every Soldier, during the said Eighteen Months, do appear at all Musters with such Arms as he is already furnished with.

X. *AND be it further Enacted, by the Authority aforesaid, That* every Captain of a Troop or Company, who shall fail to appear at any Muster or Musters hereafter to be appointed, or appearing, fail and neglect to exercise the Troop or Company under his Command, every such Captain, for every such Offence, shall be fined Two Hundred Pounds of Tobacco. And every Lieutenant, Cornet, or Ensign, who shall at any Time hereafter fail to appear at any such Muster, and perform his Duty thereat, shall forfeit and pay One Hundred Pounds of Tobacco for every such Offence.

XI. *AND for an Encouragement of every Soldier to provide and furnish himself, according to the Directions of this Act, and his Security to keep his Horse, Arms, and Ammunition, when provided, Be it Enacted, by the Authority aforesaid, That* the Horses and Furniture, Arms and Ammunition, provided and kept, in Pursuance of this Act, be free and exempted at all Times from being impressed upon any Account whatsoever; and likewise, from being seized or taken by any manner of Distress, Attachment, or Writ of Execution. And that every Distress, Seizure, Attachment, or Execution, made or served upon any of the Premises, be unlawful and void: And that the Officer or Person that presumes to make or serve the same, be liable to the Suit of the Party grieved; wherein double Damages shall be given upon a Recovery.

XII. *AND to the End, the Militia of this His Majesty's Colony and Dominion, being settled and armed, as aforesaid, may be the better fitted for Service, Be it further Enacted, by the Authority aforesaid, That* the Colonel, or Chief Officer of the Militia of every County, once every Year at least, cause a Muster and Exercise of all the Troops and Companies in his County, at one or more Place or Places, or oftner, if there shall be Occasion: And that every Captain, once in every Three Months, muster, train, and exercise his Troop or Company, or oftner, if Occasion require. *Provided*, that no Officer or Soldier be fined above Five Times in one Year.

XIII. *AND be it further Enacted, by the Authority aforesaid, That* all Soldiers, during the Time they are in Arms, shall observe and obediently perform the Commands of their Officer, relating to their Exercise, according to the best of their Skill. And if any Soldier, as aforesaid, shall, at any such Muster, disobey his Officers Commands, or behave himself disorderly or refractorily thereat, it shall and may be lawful for the chief Commanding Officer then present, to cause such Offender to be tied Neck and Heels, for any

A. D. 1723. Time not exceeding Twenty Minutes. And if any such Soldier shall there-
after offend, it shall and may be lawful for the said Commanding Officer,
by a Warrant under his Hand, to commit such Offender to the County Goal,
there to remain for any Time not exceeding Ten Days; and that the said
Offender shall not be thence discharged, until he hath paid and satisfied all
Fees due, and accustomed for Sheriffs or Goalers to take, upon any Commit-
ments and Discharges.

*In Case of
Invasions, In-
surrections,
&c. if a Sol-
dier fails to
appear, he
shall be fined
10l. & if he
refuse to obey
his Captain, 3
Months Im-
prisoned,
without Bail.*

XIV. AND be it further Enacted, by the Authority aforesaid, That
if any Soldier, upon Occasion of an Incurfion, Invasion, Infurrection, or Re-
bellion, or other Alarm or Surprise, shall be summoned to meet at a cer-
tain Time and Place, and shall fail to appear, such Soldier shall be fined for
his Failure, the Sum of Ten Pounds current Money; and the Captain of
such Soldier so failing, is hereby required, at the Meeting of the Field Offi-
cers and Captains, herein after directed, to give an Account, under his Hand,
of every such Failure. And any Soldier refusing to obey the lawful Com-
mands of his Captain, shall and may be committed to the County Goal, by
Warrant under the Hand of his said Captain, for Three Months, without
Bail or Mainprize.

*Unless sooner
discharged by
the Colonel.
Officers fail-
ing, fined 20l.*

XV. PROVIDED nevertheless, That the Colonel, or Commander in
Chief, have Power to release and discharge him in less Time, if he see Cause.
And if any Officer shall fail or neglect to appear on Occasion of any such In-
curfion, Invasion, Infurrection, or Rebellion, or other Alarm, every such Of-
ficer, so offending, shall be fined the Sum of Twenty Pounds current Money,
for every such Failure.

*Soldiers re-
fusing to serve
as Serjeants,
Corporals,
&c. fined
500lb. Tob.
&c.*

XVI. AND forasmuch, as some Difficulty hath been found in procuring
some Soldiers to be willing to serve as Serjeants, Corporals, Drummers, or
Trumpeters, all of them absolutely necessary in Troops and Companies: For
Prevention of the like in Time to come, *Be it Enacted, by the Authority
aforesaid,* That whatsoever Soldier shall refuse to take upon him, act in, and
execute any of the said Places and Offices, in the Troop or Company wherein
he is listed, being known to be capable, and thereunto appointed by his
Captain, shall, for such his Refusal, be fined Five Hundred Pounds of To-
bacco; which being once paid, he shall thereafter be exempted from being
fined for any such Refusal.

*Captains to
present De-
faulters, or Of-
fenders.*

XVII. AND to the End, no wilful and obstinate Defaulter or Offender
may escape the Penalty inflicted by this Act, for his Default or Offence, *Be
it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That all
Captains of Troops and Companies within this His Majesty's Colony and Do-
minion, be required, and every of them is hereby strictly required and enjoined,
at every Muster, to take, or cause to be taken, an exact Account in Writing,
of every such Default or Offence made or committed in his Troop or Com-
pany, by whom the said Default or Offence was made or done, and at what
Time, and to sign the same with his own Hand, and deliver it, or cause it to
be delivered, to the Field Officers and Captains, at their next Meeting for
the fining Offenders.

*A Court
Martial shall
be held in e-
very County,
on the First or
Second Thurs-
day in October,
Annually, to
fine Delin-
quents, &c.*

XVIII. AND be it further Enacted, by the Authority aforesaid, That
the Field Officers and Captains of every County, or the major Part of them,
whereof the Colonel, Lieutenant-Colonel, or Major, shall be One, have full
Power and Authority to meet Yearly, at the Court-house in their respective
Counties, on the First Thursday in October; or, in Case of Failure in meeting
that Day, on the next Thursday following, to inspect the several Lists or Ac-
counts

counts given in by the Captains, as aforesaid; and thereupon to fine every Defaulter or Offender therein charged, according to the Directions of this Act. A. D. 1723.

XIX. *PROVIDED always*, That nothing in this Act contained, be construed to give any Power or Authority to the said Field Officers and Captains, to meet or act, as aforesaid, at any other Place or Times, than the Place and Times aforesaid; or to fine any Defaulter or Offender for any Default or Offence whatsoever, by or against this Act, which hath been made or done above a Year; any thing herein before contained to the contrary, in anywise, notwithstanding. But shall not meet at any other Time or Place or fine for Offences, &c. committed above a Year.

XX. *AND*, because several Persons may happen to be charged with a Default or Offence in their Captains said Lists or Accounts, who are not wilfully guilty thereof, or may have a fair and just Excuse for their not complying with this Act: For Remedy in such Cases, *Be it Enacted*, That whensoever any Officer or Soldier, charged with any Default or Offence, as aforesaid, can and doth shew forth to the said Field Officers and Captains, at their Meetings to fine Offenders, as aforesaid, such Matter and Cause that he ought not to be fined for the same, as they shall judge reasonable, it shall be lawful for the said Field Officers and Captains, and they are hereby required to admit of such Officers and Soldiers Excuse, and to lay no Fine upon him for such Default or Offence; any thing in this Act contained to the contrary, notwithstanding. The Court to admit reasonable Excuse, &c.

XXI. *AND be it further Enacted, by the Authority aforesaid*, That where any Person on whom any Fine shall be laid or assessed, by Virtue of this Act, by the said Field Officers and Captains, shall fail or refuse to pay the same to the Sheriff, in Specie, upon Sight of a Copy of their Order; in such Case, the Sheriff is hereby required to apply to the chief Commanding Officer, residing in the County, who thereupon is hereby impowered and required to make out his Warrant, directed to the said Sheriff, impowering and commanding him to levy the same by Distress and Sale of the Offenders Goods, and make Return of his Proceedings, to the Clerk attending the said Officers at their Meeting, to be by him entred on the Register. And if, upon such Warrant, the Sheriff shall return, that he can find no Goods whereon to make Distress, then it shall and may be lawful, to and for the chief Commanding Officer residing in the County, and he is hereby authorized and required, by Warrant under his Hand, directed to the Sheriff, to cause the Body of the said Offender to be committed to the County Goal, without Bail or Mainprize, until he shall satisfy the same Fine, and all Fees incident, in the same Manner, as in Executions served at Common Law. If any Person refuses to pay his Fine, it may be levied by Distress: And if the Sheriff cannot find the Offenders Goods, an Execution shall issue against his Body.

XXII. *AND be it further Enacted, by the Authority aforesaid*, That the said Field Officers and Captains have full Power and Authority to appoint and employ a Clerk to attend them at their said Meetings, and to keep a Register of all their Proceedings; and to allow the said Clerk such Salary, for his said Service, and for providing necessary Books and Paper for their Use, as in their Discretion they shall think fit and reasonable, and to pay the same out of the Penalties and Fines accruing by this Act. The Court may appoint a Clerk to attend them, &c. and pay his Salary, &c. out of the Fines.

XXIII. *AND be it further Enacted, by the Authority aforesaid*, That the said Field Officers and Captains, at their Meetings, as aforesaid, have full Power and Authority to order and dispose of the Fines, Penalties, and Forfeitures mentioned in this Act, in such Manner as in their Discretions shall seem best, for paying therewith a Clerk, as aforesaid, and for furnishing the And may dispose of the Penalties, &c. for Military Uses.

A. D. 1723.

several Troops and Companies belonging to the County, with necessary Drums, Colours, Trumpets, Leading-Staffs, Partizans, and Halberts, and after all those, for providing Arms and Ammunition for the County's Use.

Each Captain may take one of his Soldiers to be Clerk of his Troop, &c.

XXIV. *AND be it further Enacted, by the Authority aforesaid, That every Captain of a Troop or Company within this Colony, be permitted and allowed to take one of the Soldiers under his Command, to be Clerk to his Troop or Company: And that such Clerk, in Consideration of his Service in that Respect, be excused from carrying Arms at any Muster, except in Case of a Rebellion, or an Invasion; any thing in this Act, to the contrary, notwithstanding.*

All Commission Officers shall take the Oaths appointed by Law, and subscribe the Test.

XXV. *AND be it further Enacted, by the Authority aforesaid, That every Commission-Officer in the Militia, shall, before he acts under, or executes any such Commission, in the Court of his County, take the Oaths appointed by Law to be taken, instead of the Oaths of Allegiance and Supremacy, the Abjuration Oath, and subscribe the Test; and that every Colonel, Lieutenant-Colonel, Major, and Captain, at the Time of their Meeting to fine Offenders, shall also take the following Oath; (to wit,)*

Oath to be taken by Officers holding a Court Martial.

I A. B. do swear, That I will do equal Right and Justice to all Men, to the best of my Judgment, according to the Directions of the Act, intituled, An Act for the Settling and better Regulation of the Militia.

Which Oath shall be first taken by the presiding Officer then present, and shall by him be administered to the rest of the said Officers.

XXVI. *AND be it further Enacted and Declared, That nothing in this Act contained, shall hinder or debar any Captain from admitting any able-bodied white Person, who shall be above the Age of Sixteen Years, to serve in his Troop or Company, in the Place of any Person required by this Act to be lifted.*

Repeal of 4 Anne, c. 24.

XXVII. *AND be it further Enacted, by the Authority aforesaid, That the Act of Assembly, made in the Fourth Year of the Reign of our late Sovereign Lady Queen Anne, intituled, An Act for Settling the Militia, be and is hereby Repealed, and made void, to all Intents and Purposes.*

C H A P. III.

An Act for Reviving the Act, intituled, An Act for Security and Defence of the Country in Times of Danger. E X P.

C H A P.

A. D. 1723.

C H A P. IV.

An Act directing the Trial of Slaves, committing Capital Crimes; and for the more effectual punishing Conspiracies and Insurrections of them; and for the better Government of Negros, Mullattos, and Indians, Bond or Free.

I. **W**HEREAS the Laws now in Force, for the better ordering and governing of Slaves, and for the speedy Trial of such of them as commit Capital Crimes, are found insufficient to restrain their tumultuous and unlawful Meetings, or to punish the secret Plots and Conspiracies carried on amongst them, and known only to such, as by the Laws now established, are not accounted legal Evidence: And it being found necessary, that some further Provision be made, for detecting and punishing all such dangerous Combinations for the future,

Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Bur-
gesses, of this present General Assembly, and it is hereby Enacted, by the
Authority of the same,* That if any Number of Negros, or other Slaves,
exceeding Five, shall at any Time hereafter consult, advise, or conspire, to
rebel or make Insurrection, or shall plot or conspire the Murder of any Per-
son or Persons whatsoever, every such consulting, plotting, or conspiring,
shall be adjudged and deemed Felony; and the Slave or Slaves convicted
thereof, in Manner herein after directed, shall suffer Death, and be utterly
excluded the Benefit of Clergy, and of all Laws made concerning the same.

Meeting of
Slaves, above
5 in Number,
to consult,
plot, conspire,
&c. Felony,
without Bene-
fit of Clergy.

III. *AND be it further Enacted, by the Authority aforesaid,* That every
Slave committing such Offence, as, by the Laws, ought to be punished by
Death, or Loss of Member, shall be forthwith committed to the common Goal
of the County, within which the said Offence shall be committed, there to
be safely kept; and that the Sheriff of such County, upon such Commit-
ment, shall forthwith certify the same, with the Cause thereof, to the Gover-
nor or Commander in Chief of this His Majesty's Colony and Dominion, for
the Time being, who is thereupon desired and impowered to issue a Com-
mission of Oyer and Terminer, to such Persons as he shall think fit: Which
Persons, forthwith after the Receipt of such Commission, are impowered and
required to cause the Offender to be publicly arraigned and tried, at the
Court-house of the said County, and to take for Evidence, the Confession of
the Offender, the Oath of One or more credible Witnesses, or such Testimo-
ny of Negros, Mullattos, or *Indians*, Bond or Free, with pregnant Circum-
stances, as to them shall seem convincing, without the Solemnity of a Jury:
And the Offender being by them found guilty, to pass such Judgment upon
such Offender, as the Law directs, for the like Crimes; and on such Judg-
ment, to award Execution.

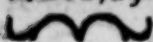
Method of
Process and
Trial of
Slaves com-
mitting Capi-
tal Crimes.

IV. *AND to the End, such Negros, Mullattos, or Indians, not being
Christians, as shall hereafter be produced as Evidences, on the Trial of any
Slave for Capital Crimes, may be under the greater Obligation to declare the
Truth, Be it Enacted,* That where any such Negro, Mullatto, or *Indian*,
shall, upon due Proof made, or pregnant Circumstances appearing before any
County Court within this Colony, be found to have given a false Testimony,
every such Offender shall, without further Trial, be ordered by the said Court

Penalty on
Negro, Mul-
latto, or In-
dian WITNES-
ses, who shall
be found to
give a false
Testimony.

to

A. D. 1723.



to have one Ear nailed to the Pillory, and there to stand for the Space of one Hour, and then the said Ear to be cut off; and thereafter, the other Ear nailed in like Manner, and cut off, at the Expiration of one other Hour; and moreover, to order every such Offender Thirty-Nine Lashes, well laid on, on his or her bare Back, at the common Whipping-Post.

7

V. *AND be it further Enacted*, That at every such Trial of Slaves committing Capital Offences, the Person who shall be first named in the Commission, sitting on such Trial, shall, before the Examination of every Negro, Mullatto, or *Indian*, not being a Christian, charge such Evidence to declare the Truth; which Charge shall be in the Words following, *viz.*

A Charge to
Witnesses,
&c.

‘ **Y**OU are brought hither as a Witness; and, by the Direction of the Law, I am to tell you, before you give your Evidence, that you must tell the Truth, the whole Truth, and nothing but the Truth; and that, if it be found hereafter, that you tell a Lie, and give false Testimony in this Matter, you must, for so doing, have both your Ears nailed to the Pillory, and cut off, and receive Thirty-Nine Lashes on your bare Back, well laid on, at the common Whipping-Post.’

7

Owners of
Slaves, may
appear in
their Defence
at the Trial.

VI. *PROVIDED always, and it is hereby intended*, That the Master or Owner of any Slave, to be arraigned and tried, by Virtue of this Act, may appear at the Trial, and make what just Defence he can for such Slave, so that such Defence do not relate to any Formality in the Proceedings on the Trial.

7

Slaves, con-
victed by this
Act, shall be
valued by the
Court; and
such Valua-
tion certified
to the next
Session of As-
sembly, and
allow'd to the
Owner.

VII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That when any Slave shall be convicted, by Virtue of this Act, the Commissioners that shall sit on Trial, shall put a Valuation in Money, upon such Slave so convicted, and certify such Valuation to the next Assembly, that the said Assembly may be enabled to make a suitable Allowance thereupon to the Master or Owner of such Slave.

7

Slaves shall
not be per-
mitted to
meet, under
any Pretence
whatever:
And Persons
suffering more
than 5 Slaves
besides their
own, to be
upon their
Plantation,
&c. at one
Time, forfeit
5 s. or 50 lb.
Tobacco, &c.

VIII. *AND whereas many Inconveniences have arisen, by the Meetings of great Numbers of Negros and other Slaves: For Prevention thereof, Be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That from henceforth, no Meetings of Negros, or other Slaves, be allowed, on any Pretence whatsoever, (except as is hereafter excepted.) And that every Master, Owner, or Overseer of any Plantation, who shall, knowingly or willingly, permit any such Meetings, or suffer more than Five Negros or Slaves, other than the Negros or Slaves belonging to his, her, or their Plantations or Quarters, to be and remain upon any Plantation or Quarter, at any one Time, shall forfeit and pay the Sum of Five Shillings, or Fifty Pounds of Tobacco, for each Negro or Slave, over and above such Number, that shall at any Time hereafter so unlawfully meet or assemble, on his, her, or their Plantation, to the Informer: To be recovered, with Costs, before any Justice of the Peace of the County where such Offence shall be committed.

7

But Masters
may licence
their Slaves to
meet at their
own Quar-
ters, except by
Night, or on
Sundays.

IX. *PROVIDED always*, That nothing herein contained, shall be construed to restrain the Negros, or other Slaves, belonging to one and the same Owner, and seated at distinct Quarters or Plantations, to meet, by the Licence of such Owner, or his or her Overseer, at any of the Quarters or Plantations to such Owner belonging; nor to restrain the Meeting of any Number of Slaves, on their Owners or Overseers Business, at any Public Mill, so as such Meeting be not in the Night, or on a *Sunday*; nor to restrain their Meeting on any other lawful Occasion, by the Licence, in Writing,

Writing, of their Master, Mistress, or Overseers; nor to prohibit any Slaves repairing to and meeting at Church to attend Divine Service, on the Lord's Day, or at any other Time set apart by lawful Authority, for public Worship: But that all and every such Meetings, shall be accounted lawful Meetings; any thing in this Act contained to the contrary thereof, notwithstanding.

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X. *AND be it further Enacted, by the Authority aforesaid, That if any white Person, free Negro, Mullatto, or Indian, shall at any Time hereafter be found in Company with any such Slaves, at any such unlawful Meetings, as aforesaid, or harbour or entertain any Negro, or other Slave whatsoever, without the Consent of their Owners, he, she, or they, so offending, upon being thereof lawfully convicted, shall forfeit and pay the Sum of Fifteen Shillings, or One Hundred and Fifty Pounds of Tobacco, to the Informer: To be recovered, with Costs, before any Justice of the Peace; and upon Failure to make present Payment, shall have and receive, on his, her, or their bare Backs, for every such Offence, Twenty Lashes, well laid on. And every Negro, Mullatto, or Indian Slave, who shall come or assemble to such unlawful Meetings, shall, upon Information thereof made to any Justice of the Peace of the County where such Offence shall be committed, for every such Offence, have and receive, on his or her bare Back, any Number of Lashes, not exceeding Thirty-Nine.*

White Persons, free Negroes, Mullattos, or Indians, found in Company with Slaves at unlawful Meetings, or harbouring any Slave, forfeit 15s. or 150lb. Tob. or on Failure of Payment, to be whipped.

XI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That every Justice of the Peace of any County wherein such unlawful Meetings shall happen, upon his own Knowledge, or upon Information thereof to him made, within Ten Days after such Offence committed, shall forthwith issue his Warrant to apprehend all such Persons, who so met or assembled, and cause such Offenders to be brought before him, or some other Justice of the Peace of the said County: And that every such Justice, who shall fail in his Duty herein, shall forfeit and pay the Sum of Fifty Shillings, or Five Hundred Pounds of Tobacco, for every such Offence.*

Justices of Peace, upon their own Knowledge, or Information made within 10 Days, shall cause Offenders to be apprehended, &c.

Penalty on every Justice failing, 50s. or 500lb. Tob.

XII. *AND be it further Enacted, by the Authority aforesaid, That every Sheriff, Under-Sheriff, or Constable, who, upon his or their own Knowledge, or upon Information thereof to him or them made, of any such unlawful Meetings, as aforesaid, shall fail forthwith to endeavour to suppress and disperse the same, and to carry the Offenders before some Justice of the Peace, in order for the said Offenders to receive due Punishment, the Sheriff, for every Offence by him committed, shall forfeit and pay the Sum of Fifty Shillings, or Five Hundred Pounds of Tobacco: Both which several Fines, of Fifty Shillings, or Five Hundred Pounds of Tobacco, herein before-mentioned, shall be to the Informer; and may be recovered, with Costs, in any Court or Courts of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed, or any more than One Imparlance. And the Under-Sheriff, or Constable, failing to perform his or their Duty herein, for every Offence by him or them committed, shall forfeit and pay Twenty Shillings, or Two Hundred Pounds of Tobacco, to the Informer: To be recovered, with Costs, before any Justice of the Peace of the County where such Offence shall be committed.*

Sheriffs and Constables, shall suppress unlawful Meetings, and carry Offenders before a Justice, &c.

Sheriff failing, forfeits 50s. or 500lb. Tob. to the Informer.

Under-Sheriff, or Constable failing, forfeits 20s. or 200lb. Tob.

XIII. *AND be it further Enacted, by the Authority aforesaid, That if any Negro, Mullatto, or Indian Slave, shall at any Time hereafter presume to come and be upon the Plantation of any Person or Persons whatsoever, without the Leave or Consent, in Writing, of his or her Master, Owner,*

If a Slave comes to any Plantation, without Leave of his Master, &c. such Slave may be whipped.

A. D. 1723.

or Overseer, and without the Consent and Approbation of the Owner or Overseer of such Plantation, it shall and may be lawful to and for the Master, Owner, or Overseer of any such Plantation or Quarter, to correct, and give such Slave or Slaves Ten Lashes, well laid on, on his or her bare Back, for every such Offence.

No Negro, Mullatto, or Indian, shall carry Guns, Ammunition, or Weapons: And if any such be found in their Hands or Custody, the Arms, &c. shall be forfeited to the Seisor, & the Negro, &c. whipped.

XIV. *AND be it further Enacted, by the Authority aforesaid, That* no Negro, Mullatto, or Indian whatsoever, (except as is hereafter excepted,) shall hereafter presume to keep, or carry any Gun, Powder, Shot, or any Club, or other Weapon whatsoever, offensive or defensive; but that every Gun, and all Powder and Shot, and every such Club or Weapon, as aforesaid, found or taken in the Hands, Custody, or Possession of any such Negro, Mullatto, or Indian, shall be taken away; and upon due Proof thereof made, before any Justice of the Peace of the County where such Offence shall be committed, be forfeited to the Seisor and Informer; and moreover, every such Negro, Mullatto, or Indian, in whose Hands, Custody, or Possession, the same shall be found, shall, by Order of the said Justice, have and receive any Number of Lashes, not exceeding Thirty Nine, well laid on, on his or her bare Back, for every such Offence.

Proviso, Free Negros, &c. being House-keepers, or listed in the Militia, may keep one Gun, &c. and others, who are now possessed of Arms, &c. may dispose of them before 31 Oct. next. Negros, &c. seated at Frontier Plantations, may be licensed by a Justice to keep Arms, &c.

XV. *PROVIDED nevertheless, That* every free Negro, Mullatto, or Indian, being a House-keeper, or listed in the Militia, may be permitted to keep one Gun, Powder, and Shot; and that those who are not House-keepers, nor listed in the Militia aforesaid, who are now possessed of any Gun, Powder, Shot, or any Weapon, offensive or defensive, may sell and dispose thereof, at any Time before the last Day of *October* next ensuing. And that all Negros, Mullattos, or Indians, Bond or Free, living at any Frontier Plantation, be permitted to keep and use Guns, Powder, and Shot, or other Weapons, offensive or defensive; having first obtained a Licence for the same, from some Justice of the Peace of the County wherein such Plantations lie; the said Licence to be had and obtained, upon the Application of such free Negros, Mullattos, or Indians, or of the Owner or Owners of such as are Slaves; any thing herein contained to the contrary thereof, in anywise, notwithstanding.

If a Slave is killed in the Execution of this Act, the County Court shall value such Slave in Money, & certify such Valuation to the next Session of Assembly, for a suitable Allowance to the Owner.

XVI. *AND be it further Enacted, by the Authority aforesaid, That* if in the Dispersing of any unlawful Assemblies, Pursuit of Rebels or Conspirators, or Seizing the Arms and Ammunition of such as are prohibited by this Act, to keep the same, any Slave shall happen to be killed or destroyed, the Court of the County where such Slave shall be killed, upon Application of the Owner of such Slave, and due Proof thereof made, shall put a Valuation in Money, upon such Slave so killed, and certify such Valuation to the next Session of Assembly, that the said Assembly may be enabled to make a suitable Allowance thereupon to the Master or Owner of such Slave.

No Slaves shall be set free, without Licence from the Governor and Council: and Slaves otherwise freed may be taken up by the Churchwardens, and sold to the Use of the Parish.

XVII. *AND be it further Enacted, by the Authority aforesaid, That* no Negro, Mullatto, or Indian Slaves, shall be set free, upon any Pretence whatsoever, except for some meritorious Services, to be adjudged and allowed by the Governor and Council, for the Time being, and a Licence thereupon first had and obtained. And that, where any Slave shall be set free by his Master or Owner, otherwise than is herein before directed, it shall and may be lawful for the Churchwardens of the Parish, wherein such Negro, Mullatto, or Indian, shall reside for the Space of one Month, next after his or her being set free, and they are hereby authorized and required, to take up, and sell the said Negro, Mullatto, or Indian, as Slaves, at the next Court held for the said County, by public Outcry; and that the Monies arising by such

such Sale, shall be applied to the Use of the said Parish, by the Vestry thereof. *A. D. 1723.*

XVIII. AND forasmuch, as the Act passed in the Fourth Year of the Reign of Her late Majesty Queen *Anne*, intituled, *An Act concerning Servants and Slaves*, whereby Power is given to the County Court, to order the Dismembring of incorrigible Runaways and other Slaves, hath not had the intended Effect, by Reason of some Misconstructions of the Powers thereby granted, *Be it Enacted*, That where any Slaves shall hereafter be found notoriously guilty of going abroad in the Night, or running away, and lying out, and cannot be reclaimed from such disorderly Courses, by the common Methods of Punishment, it shall and may be lawful, to and for the Court of the County, upon Complaint and Proof thereof to them made, by the Owner of such Slave, to order and direct every such Slave to be punished, by Dismembring, or any other Way, not touching Life, as the said County Court shall think fit.

Explanation
of 4 *Anna*, C.
49. Sect. 34.

XIX. AND, for preventing all Doubts which may arise, upon the Construction of this, or any other Act of Assembly of this Colony, touching the Death of Slaves under Correction, or lawful Punishment, *Be it Enacted, by the Authority aforesaid*, That if any Slave shall happen to die by Means of such Dismembring, by Order of the County Court, or for or by Reason of any Stroke or Blow given, during his or her Correction, by his or her Owner, for any Offence by such Slave committed, or for or by Reason of any accidental Blow whatsoever, given by such Owner; no Person concerned in such Dismembring, Correction, or accidental Homicide, shall undergo any Prosecution or Punishment for the same; unless, upon Examination before the County Court, it shall be proved, by the Oath of one lawful and credible Witness, at the least, that such Slave was killed wilfully, maliciously, or designedly; neither shall any Person whatsoever, who shall be indicted for the Murder of any Slave, and upon Trial, shall be found guilty only of Man-slaughter, incur any Forfeiture or Punishment for such Offence or Misfortune.

Accidental
Homicide of
Slaves, under
Correction,
lawful Punish-
ment, &c. not
liable to Pro-
secution or
Penalty, &c.
unless such
Slave is killed
maliciously.

Persons in-
dicted for
Murder of a
Slave, and
found guilty of
Man-slaugh-
ter, not liable
to Forfeiture,
&c.

XX. *PROVIDED always*, That nothing herein contained, shall be construed, deemed, or taken, to defeat or barr the Action of any Person or Persons, whose Slave or Slaves shall happen to be killed by any other Person whatsoever, or whose Slaves shall happen to die thro' the Negligence of any Surgeon, or other Person, undertaking the Dismembring or Cure of such Slave, liable to such Punishment by this Act: But that all and every Owner or Owners of such Slave or Slaves, shall and may bring his or her Action, for Recovery of Damages for such Slave or Slaves so killed or dying, as if this Act had never been made.

But this Act
shall not bar
the Action of
any Person,
whose Slave is
killed by ano-
ther, or dies
thro' Neglect
of a Surgeon,
&c.

XXI. *AND be it further Enacted, by the Authority aforesaid*, That all Free Negros, Mullattos, or *Indians*, (except Tributary *Indians* to this Government) Male and Female, above the Age of Sixteen Years, and all Wives of such Negros, Mullattos, or *Indians*, (except before excepted) shall be deemed and accounted Tithables; any Law, Custom, or Usage, to the contrary, in any-wise, notwithstanding.

All Free Ne-
gros, Mullat-
tos, & *Indians*,
above the Age
of 16 Years, &
their Wives,
(Tributary *In-
dians* except-
ed) shall be
Tithables.

XXII. *AND be it further Enacted, by the Authority aforesaid*, That where any Female Mullatto, or *Indian*, by Law obliged to serve 'till the Age of Thirty or Thirty One Years, shall, during the Time of her Servitude, have any Child born of her Body, every such Child shall serve the Master or Mistress of such Mullatto or *Indian*, until it shall attain the same Age the Mother of such Child was obliged by Law to serve unto.

Children of
Female Mul-
lattos or *In-
dians*, born in
Time of Ser-
vitude, shall
serve to the
Age of 30 or
31 Years, &c.

A. D. 1723.

FreeNegros,
Mullattos, &
Indians, dis-
abled from vo-
ting at Elec-
tions.

Churchwar-
dens shall pro-
vide a Copy
of this Act,
cause it to be
entred in the
Register Book
of their Parish,
& read at the
Church Door,
in April and
October.

Sherifs shall
publish this
Act in June
and July,
Yearly.

Penalties.

Repeal of
C. 11. 1705.

XXIII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared, That no Free Negro, Mullatto, or Indian whatsoever, shall hereafter have any Vote at the Election of Burgeffes, or any other Election whatsoever.*

XXIV. *AND be it further Enacted, That the Churchwardens of each Parish, within this His Majesty's Colony and Dominion, at the Charge of their Parish, shall provide a true Copy of this Act, and cause Entry thereof to be made in the Register Book of each Parish; and shall, on some Sunday in the Months of April and October, Yearly, after Divine Service ended, at the Door of every Church and Chapel in their Parish, publicly read the same. And the Sheriff of each County shall, at the Court held for the County, in the Months of June or July, Yearly, publish this Act, at the Door of the Court-house of the said County. And every Churchwarden and Sheriff making Default herein, shall, for each Time so offending, forfeit and pay Five Hundred Pounds of Tobacco, to the Informer: To be recovered, with Costs, by Action of Debt, in any Court or Courts of Record within this Colony and Dominion. And the Minister or Reader making Default herein, shall, for each Time so offending, forfeit and pay Two Hundred Pounds of Tobacco, to the Informer: To be recovered, with Costs, before any Justice of the Peace of the County wherein such Default shall happen.*

XXV. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Act of Assembly, made in the Fourth Year of the Reign of our late Sovereign Lady Queen Anne, intituled, An Act for the speedy and easy Prosecution of Slaves committing Capital Crimes, be from henceforth Repealed and made Void, to all Intents, Constructions, and Purposes.*

C H A P. V.

An Act for the better and more effectual improving the Staple of Tobacco. E X P.

C H A P. VI.

An Act for the better securing the Paiment of Levies; and Restraint of vagrant and idle People; and for the more effectual Discovery and Prosecution of Persons having Bastard Children. E X P.

C H A P.

A. D. 1723.

C H A P. VII.

An Act for the Transportation of Dick, and other Negro Slaves.
P R I V.

C H A P. VIII.

An Act appointing a Treasurer; and empowering him to receive the Monies in the Hands of the late Treasurer.

I. **B**E it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That all and every Sum and Sums of Money to be raised by One Act of Assembly, passed this Session, intituled, *An Act for laying a Duty on Liquors and Slaves*, be constantly accounted for, and paid, by the Collectors or Receivers thereof, to the Treasurer of this His Majesty's Colony and Dominion, for the Time being.

So much of this Act as relates to the Duty upon Liquors, and Slaves, Expired, upon the Repeal of the Act here mentioned.

II. *AND* be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That John Holloway, Esquire, shall be and is hereby nominated, constituted, and appointed, Treasurer of the Revenues arising by the before specified Act; and the said Treasurer is hereby authorized, empowered, and required, to demand, receive, and take, of and from every Collector and Collectors, all and every Sum and Sums of Money, arising by Force of the before-recited Act of Assembly: And the said John Holloway is authorized and required to keep and retain all such Money in his own Custody and Possession, until he shall be ordered and required to dispose of the same, in such Manner, and by such Warrant, and for such Uses, Intents, and Purposes, and no other, as are limited, appointed, and directed, in the said Act.

John Holloway, Esq; appointed Treasurer.

III. *AND* be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Salary of Four per Cent. shall be allowed and paid to the said Treasurer, out of all and every Sum and Sums of Money by him received and accounted for, to the General Assembly, according to the Directions of the said Act.

His Salary, 4 per Cent.

IV. *AND* be it further Enacted, That the said John Holloway, before his Entry and Admission into the said Office of Treasurer, and before his taking upon him to execute and manage the same, shall give Bond in the Secretary's Office, with good and sufficient Security, in the Sum of Six Thousand Pounds *Sterling*, payable to His Majesty, his Heirs and Successors, for the true and just Performance and Discharge of the aforesaid Office and Place of Treasurer, according to the true Intent and Meaning of the afore-recited Act of Assembly.

Shall give Bond and Security, in 6000l. *Sterl.*

V. *PROVIDED* always, That in Case of the Death, Departure out of the Colony, or other legal Disability of the Treasurer hereby appointed, that then it shall and may be lawful, to and for the Honourable the Lieutenant-Governor, or the Governor and Commander in Chief, for the Time

In Case of Death, &c. the Governor and Council may appoint

A. D. 1723.
 a Person to
 execute the
 Office, &c.
 'til the next
 Session of As-
 sembly.

being, with the Advice of His Majesty's Council, to appoint and constitute such other Person as he shall think fit, to execute the said Office of Treasurer, according to the several Rules and Directions in this Act expressed, who shall hold, have, and enjoy, the said Office of Treasurer, with all and singular the Rights and Profits to the said Office belonging, until the then next Session of Assembly, giving such Bond and Security as herein before is directed; any thing in this, or any other Act, to the contrary, in any-wise, notwithstanding.

Burgesses
 Wages for this
 Session, to be
 paid in Money
 at 10s. per
 Cent. for Tob.

VI. AND forasmuch, as a Poll-Tax hath always been esteemed grievous and burthensome to the People of this Colony, and discharging the Salaries of the Burgesses in Money, hath, by late Experience, been found an Expedient agreeable, satisfactory, and easy, to the People, in all Parts throughout this Colony, *Be it therefore Enacted, and it is hereby Enacted*, That the several Burgesses of this Assembly, be paid for their several Attendances, Coming, and Returning, this Session, in Current Money, at the Rate of Ten Shillings per Hundred, for Tobacco.

Declaration
 in Relation to
 the several
 Sums of 4000l.
 & 1200l. in
 the Hands of
 the late Treas-
 urer, given
 for Bounties
 upon Tar and
 Hemp, Anno
 1722.

VII. AND lest any Doubt should be made, concerning the several Sums of Four Thousand Pounds, and Twelve Hundred Pounds, now in the Hands of *Peter Beverley*, Esquire, supposed by some Persons to have been appropriated to particular Uses, mentioned and expressed in One Act of Assembly, intituled, *An Act for Encouraging the making of Tar and Hemp*, made at a General Assembly, in the Eighth Year of the Reign of His present Majesty; *Be it therefore Enacted and Declared*, That the said several Sums of Four Thousand Pounds, and Twelve Hundred Pounds, in the Hands of the said *Peter Beverley*, Esquire, are not, and were not, by the last before-mentioned Act of Assembly, nor was any Part thereof, set apart and appropriated for any particular Uses or Purposes in that Act mentioned, or for any other particular Uses, Intents, or Purposes whatsoever: But that the several Sums of Four Thousand Pounds, and Twelve Hundred Pounds, in the Hands of the said *Peter Beverley*, Esquire, do remain unappropriated, and under the Power of this Assembly, to be disposed of in such Manner, and to such Uses, for lessening the Levy by the Poll, as this Assembly shall judge reasonable. And that if, at any Time it should happen, that there should be a Deficiency of Money, in the Hands of the Treasurer of this Colony, for the Time being, to discharge, pay, and satisfy, the several Premiums, Rewards, or Bounties given, or intended to be given, by the said last before-mentioned Act; in such Case, such Deficiency ought to be made good, and such Rewards or Bounties are and ought to be paid out of the first Money that shall thereafter come into the Hands of the Treasurer, for the Time being, by Virtue of any Imposition Act, or any other Money in the Hands of such Treasurer, not then appropriated.

VIII. *AND it is hereby further Declared*, That this present General Assembly, and all other Assemblies, are bound and obliged to take care and provide, that there may always remain unappropriated, in the Hands of the Treasurer of this Colony, for the Time being, sufficient Money to discharge and satisfy all and every the Premiums, Rewards, or Bounties given, or intended, by the last before-mentioned Act, as the same may be severally demanded, or become payable, or otherwise, to make good the same, by the speediest Methods possible.

3000l. to be
 immediately
 paid to the
 Treasurer, by

IX. *AND be it further Enacted*, That the said *Peter Beverley*, Esquire, do and shall, immediately after the passing of this Act, pay unto the above-named *John Holloway*, Esquire, the Sum of Three Thousand Pounds; and within

within Six Months after, all and every such other Sum and Sums of Money, which he the said *Peter Beverley* hath received, by Virtue of his being Treasurer, of the Impositions or Duties on Liquors or Slaves, or either of them, which at the passing of this Act shall remain in the Hands of him the said *Peter Beverley*, Esquire, to be accounted for to the General Assembly; and not drawn out of his Hands by any Act or Acts, Order or Orders of Assembly, or Warrants under the Hand of the Governor or Commander in Chief, for the Time being, pursuant to the Powers lodged in such Governor: And that the Receipt or Receipts of the said *John Holloway*, for such Sum and Sums, as the said *Peter Beverley*, Esquire, shall pay him, shall be sufficient Discharges to and for him the said *Peter Beverley*, Esquire, his Heirs, Executors, and Administrators, and every of them, for all and every such Sum or Sums of Money so paid by him; any Act or Acts heretofore made to the contrary, or seeming to the contrary, notwithstanding. And the Governor or Commander in Chief, for the Time being, is hereby impowered and desired, from Time to Time, as Occasion shall be, to issue his Warrant or Warrants, directed to the said *John Holloway*, now Treasurer, for the Paiment of the several Salaries of the Burgesses, and other Charges of this Assembly, and all other Paiments to be made, by any Act or Order of this Assembly, and not paid or discharged by the said *Peter Beverley*, Esquire: All which Warrants, the said *John Holloway* is hereby impowered and required to obey and discharge, and to account, upon Oath, to the next General Assembly, of and for all and every such Sum and Sums of Money, as he shall at any Time, by Virtue of this Act, receive from the said *Peter Beverley*, Esquire, or by his Order, and of all Paiments by him the said *John Holloway* to be made: And this to be done without any Fee, Reward, or Allowance, for so doing.

A. D. 1723.
Peter Beverley,
 Esquire, late
 Treasurer, &
 all the other
 public Monies
 in his Hands,
 within 6
 Months.

CHAP. IX.

An Act for Raising a Public Levy. E X P.

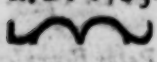
CHAP. X.

An Act for enlarging the Jurisdiction of the Court of Hustings, in the City of Williamsburg, within the Limits thereof.

I. **W**HEREAS, Your Majesty, by Your Letters Patents, bearing Date the Twenty-Eighth Day of *July*, in the Eighth Year of your Reign, under the Seal of this Your Majesty's most ancient Colony and Dominion of *Virginia*, hath been graciously pleased to grant unto the Inhabitants of *Williamsburg*, Your Majesty's Chief Town in the said Colony, that the same shall be a City Incorporate, consisting of a Maior, One Person learned in the Law, stiled and bearing the Office of Recorder of the said City, Six Aldermen, and Twelve Common-Council Men of the said City: And, among other Things, Your Majesty hath been pleased, by your said Roial Charter, to grant, that the said Maior, Recorder, and Aldermen, and their Successors, or any Four or more of them, of which the said Maior, Recorder, or the last preceding Maior shall be One, shall hold a Court of Hustings once in

Preamble.
 Recital of a
 Charter for
 incorporating
 the Inhabi-
 tants of *Wil-*
liamsburg, da-
 ted *July 28*,
 1722.

A.D. 1723.

 in every Month, within the said City; and shall have Jurisdiction, and hold Plea of Trespas and Ejectment, and of all Writs of Dower for any Lands and Tenements within the said City, and of all other Actions Personal and Mixt, arising within the said City: And as a Court of Record, may give Judgment, and award Execution thereon, according to the Laws and Statutes of England, and of the said Colony: *Provided*, the Demand in the said Action Personal or Mixt, do not exceed Twenty Pounds Current Money, or Four Thousand Pounds of Tobacco. And whereas, the Peace and good Government of the said City, do very much depend upon a due Regulation of the Ordinaries and Public Houses, and the well Ordering of Servants and Apprentices, within the said City, whereof the said Court hath not at present competent Jurisdiction: May it therefore please Your Most Excellent Majesty, That it be Enacted,

II. *AND be it Enacted, by His Majesty's Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and by the Authority of the same*, That from and after the passing this Act, the said Court of Hustings shall have the same Power over the Ordinaries and Public Houses within the said City, as well in granting Licences, as in any other Matter or Thing; and shall and may hear and determine all Complaints of Masters, Servants, and Apprentices, within the said City, in the same Manner as the Courts of the Counties of York, and James-City, respectively, now have or do; any Act heretofore made to the contrary, notwithstanding.

III. *AND* for the more easy and speedy Proceeding in the Examination and Commitment of Persons committing Capital Crimes, or other Offences, triable in the General Court, within the said City, *Be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful, to and for the Maior, Recorder, and Aldermen of the said City, or any Three of them, whereof the said Maior, Recorder, or last preceding Maior, shall be One, to take the Examination of any Person or Persons whatsoever, suspected of having committed any Capital Crime, or other Offence, triable in the General Court, or Courts of Oier and Terminer; and upon such Examination, if they see Cause, by Mittimus under their Hands, to commit such Offender or Offenders to the Public Goal of the said City. And the Keeper thereof is hereby required to receive the Body of such Offender so committed, or by Recognizance, to bind such Offender or Offenders, Personally to appear before the next General Court, on the Fourth Day thereof, or the next Court of Oier and Terminer, and not to depart thence without Leave of the said Courts respectively; and also to summon and bind all such Person or Persons, as they shall think to be material Witnesses against such Offender or Offenders, to appear Personally before the said General Court, on the said Fourth Day, or the said Court of Oier and Terminer, then and there to give Evidence against such Offender or Offenders.

IV. *AND* whereas it may happen, that the chief Magistrates, and other Inhabitants of the said City, may be lifted and compelled to serve under the Command of the Officers of the Militia, in the Counties of James-City, and York, respectively, without the said City; and forasmuch as the same may be very inconvenient, and may render the Governor's House, Public Magazine, and Capitol, in the said City, defenceless in Times of Danger, *Be it further Enacted, by the Authority aforesaid*, That no Inhabitant of the said City, capable of serving in the Militia, shall hereafter be compellable to make his or their Appearance at any Muster of the Militia, hereafter to be had or taken, out of the said City: But all and every such Inhabitant and Inhabitants (except the Maior, Recorder, and Aldermen of the said City) shall be
lifted

lifted and trained, according to the Laws of this Colony, under the Command of one or more Person or Persons, of the principal Inhabitants of the said City, as shall be thereunto commissioned by the Governor or Commander in Chief of this Colony, for the Time being; and such Persons so lifted and trained, shall not be compelled to go out of the said City, on any Military Service, without the express Order of the Governor or Commander in Chief of the said Colony and Dominion, for the Time being, or, in his Absence, without the Order of the said Mayor, Recorder, and Aldermen, or the major Part of them. And the said Mayor, Recorder, and Aldermen, or the major Part of them, in their said Court of Hustings, upon the Complaint of any Officer or Officers appointed to command the Militia within the said City; and upon sufficient Proof, shall and may give Judgment against any Person or Persons lifted under the Command of such Officer or Officers, for the Fines which such Person or Persons shall be liable to, by Means of his or their not appearing, or not doing his or their Duty at any Muster, or upon any other Service within the said City; and may also issue Warrants for levying such Fines, as the Officers of the Militia, in the respective Counties of this Colony, may or do.

AND this Act is hereby declared to be a Public Act; and as such, shall be construed, deemed, and taken.

This Act declared a Public Act.

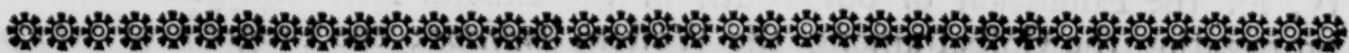
CHAP. 11. *An Act for Dividing Saint Stephen's Parish, in the County of King and Queen.* Private Acts.

12. *An Act for Dissolving the Parish of Wilmington, in the Counties of James-City and Charles-City; and adding the same to other Parishes.*

13. *An Act for Confirming the Title of John Fox, Gent. to certain Lands formerly purchased of the Pamunky Indians.*

14. *An Act for Vesting the Fee Simple Estate of certain entailed Lands in William Meriwether, Gent. and for Vesting Five Negro Slaves, therein mentioned, in Sara Brechin, and the Heirs of her Body.*

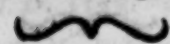
15. *An Act for Vesting the Fee Simple Estate of certain entailed Lands in Pierce Butler, and Paulin Anderson; and for Vesting other Lands therein mentioned, in Robert Stubblefield, in Fee Tail.*



Signed by HUGH DRYSDALE, Esq; Governor.

John Holloway, Speaker.

At




HUGH DRYSDALE, Esq;
Governor.

At a GENERAL ASSEMBLY, summoned to be held at the Capitol in the City of *Williamsburg*, the Fifth Day of *December*, in the Ninth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord, 1722. And by Writ of Prorogation, begun and holden on the Ninth Day of *May*, 1723. And from thence continued, by several Prorogations, to the Twelfth Day of *May*, 1726: Being the Second Session of this present Assembly.

CHAP. I.

An Act for laying a Duty on Liquors.

Preamble. I.  AY it please Your Most Excellent Majesty, We Your Majesty's most dutiful and loial Subjects the Burgesses of this Your Majesty's most antient Colony and Dominion of *Virginia*, now met in Assembly, taking into our Consideration, the Expediency of raising a competent Revenue, for defraying such Expences of Your Majesty's Government here, as must otherwise be discharged by a Poll-Tax, which hath frequently been very grievous and burthensome to the Subjects of the said Colony, and occasioned great Discontents and Uneasiness among them; and being likewise piously affected to the Furtherance of the College of *William and Mary*, founded in this Colony, by Your Majesty's Roial Predecessors King *William* and Queen *Mary*, of blessed Memory, for the Education of our Youth in the Liberal Arts and Sciences, and propagating the Gospel among the Western *Indians*; the Progress of which good Work, by a long Series of Misfortunes and Accidents, and by the Decay of the Revenue thereof, hath been so much obstructed, that the charitable Design of the Founders hath not hitherto been fulfilled: And lest it should be a Reproach to us not to contribute our Assistance to the perfecting a Work
of

of such Importance to Us and our Posterity, have given and granted to Your Majesty, the several Duties herein after-mentioned; and do most humbly beseech Your Majesty, That it may be Enacted,

II. *AND be it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That for every Gallon of Rum, Brandy, and other distilled Spirits; and for every Gallon of Wine, which from and after the Tenth Day of June next, shall be imported or brought into this Colony and Dominion, from any Port or Place whatsoever, the Duty or Custom of Three Pence, shall be paid by the Owner or Importer of the same, for and during the Term of Five Years: And that one other Duty, of One Penny for every Gallon of the said Liquors, which, from and after the said Tenth Day of June, shall be imported or brought into this Colony, as aforesaid, shall be paid by the Owner or Importer thereof, for and during the Term of Twenty-One Years from thence next following.

Rum, &c. & Wine imported, after 10 June, 1726, to pay, viz. 3 d. per Gallon, for Five Years.

And 1 d. per Gallon, for 21 Years.

III. *AND be it further Enacted,* That for every Gallon of Cider, Beer, or Ale, which, from and after the said Tenth Day of June, shall be imported or brought into this Colony and Dominion, from any Port or Place whatsoever, the Duty or Custom of One Penny, shall be paid by the Owner or Importer of the same, for and during the Term of Five Years.

And Cider, Beer, or Ale, 1 d. per Gallon, for Five Years.

IV. *PROVIDED nevertheless, and it is hereby Enacted and Declared,* That no Duty or Custom whatsoever, shall be required or paid for any of the Liquors before enumerated, that shall come directly from *Great-Britain*; but that all such Liquors shall remain and continue exempt and free from any Imposition, Duty, or Custom, levied or required by this Act, as if this Act had never been made.

Proviso, No Duty to be paid for any of the said Liquors imported directly from *Great-Britain*.

V. *AND be it further Enacted,* That no Liquors whatsoever, liable to a Duty or Custom, by Virtue of this Act, shall be landed, put on Shore, or any other Way delivered out of the Ship or Vessel importing the same, before due Entry be made thereof, with the Collector of the Duties, in the Port or Place where the same shall be imported, or before the Duty due and payable for the same, by Virtue of this Act, shall be fully satisfied, and a Warrant had, under the Hand of the said Collector, for Landing or Delivery thereof: And that all Liquors landed, put on Shore, or delivered, contrary to the Directions, and true Intent and Meaning of this Act, or the Value thereof, shall be forfeited and lost; and shall and may be recovered of the Importers or Owners of the same.

Liquors not to be landed before Entry, or Payment of the Duties, or without Warrant from the Collector.

Liquors landed, contrary to this Act, shall be forfeited.

VI. *AND be it further Enacted,* That no Liquors liable to any of the said Duties, which shall be imported or brought into this Colony, by any Person or Persons whatsoever, shall be landed, or put on Shore, until due Entry be made thereof, with the Collector of the Duties upon Liquors, in such Port or Place, and a true Account be given of the Gallons every Cask doth contain, upon Oath, upon Pain of forfeiting double the Value of the Liquors so landed, or put on Shore.

Contents of every Cask to be entered, upon Oath.

Penalty, double the Value of the Liquors.

VII. *AND be it further Enacted,* That the Master or Purser of every Ship, Bark, or other Vessel, importing Liquors liable to any Duty or Custom, by Virtue of this Act, to any Port or Place within this Colony and Dominion, shall make a true and just Entry, upon Oath, with the Collector of the Duties upon Liquors, in the said Port or Place, of the Burthen, Contents, and Lading of such Ship, Bark, or other Vessel, with the particular Marks and

Master or Purser of every Vessel importing Liquors, to make Entry, upon Oath.

A. D. 1726.

Penalty,
100l.

Numbers of every Cask therein, laden with Liquors, to the best of his Knowledge; and also where, and in what Port, the same were laden or taken on Board, upon Penalty of forfeiting One Hundred Pounds Current Money.

Proviso,
Wine to be
entered at 100
Gallons per
Pipe, & lesser
Cask propor-
tionably.

VIII. *PROVIDED* always, and it is hereby Enacted and Declared, That no Person or Persons whatsoever, shall be required to give an Account, upon Oath, of the true Contents of any Pipe or Cask of Wine imported directly from the Place where the same was made; but that, upon every such Importation of Wine, the Owners or Importers thereof, shall have Liberty to enter a Pipe at One Hundred Gallons, and all lesser Cask after the same Proportion; any thing in this Act contained to the contrary, or seeming to the contrary, notwithstanding.

Encourage-
ment to pay
Duties.

IX. *AND* for the better Encouragement of all Persons whatsoever, to make due Entry and Payment of the several Impositions, Duties, or Customs, laid upon Liquors, by Virtue of this Act,

20 per Cent.
allowed for
Leakage.

False Entry,
Penalty 100l.

X. *BE it further Enacted*, That in Consideration of Filling and Leakage, every Collector of the said Impositions, Duties, or Customs, shall be and is hereby authorized and required, to abate and allow to such Person or Persons as shall enter Liquors, and pay the Duties for the same, Twenty Gallons in every Hundred. And if any Person or Persons whatsoever, shall wilfully or willingly make a false Entry, and be convicted of the same, such Person or Persons shall forfeit and pay One Hundred Pounds Current Money.

If Duty be
not paid or fe-
cured, within
10 Days after
Entry of any
Vessel, Col-
lectors may
bring such Li-
quors on
Shore.

XI. *AND be it further Enacted*, That the Collectors of the Duties or Customs upon Liquors, and their Deputies, be authorized and impowered, and they, and every of them, are hereby authorized and impowered, to go and enter on Board any Ship or other Vessel, and from thence to bring on Shore, any Liquors liable to a Duty or Custom, by Virtue of this Act, if the Duty or Custom be not paid or agreed for, within Ten Days after the first Entry of the said Ship or Vessel; and likewise to stay and remain on Board the said Ship or Vessel, until all such Liquors be discharged and delivered out of the same.

Collector, or
other Person,
taking any
Bribe, or con-
niving at a
false Entry,

Forfeits 100l.
disabled and
incapable of
any Office in
the Customs.

Person pay-
ing such Bribe,
forfeits 100l.

XII. *AND be it further Enacted*, That if any Collector or Collectors of the Duties upon Liquors, or any other Person or Persons deputed and appointed, by or under them, or any of them, or any other Authority whatsoever, shall directly or indirectly take or receive any Bribe, Recompence, or Reward, in any Kind whatsoever; or shall connive at any false Entry of any Liquors liable to a Duty or Custom, by Virtue of this Act, by Means whereof, the Duties or Customs shall be defrauded; the Person or Persons therein offending, shall forfeit and pay the Sum of One Hundred Pounds Current Money, and be for ever afterwards disabled in his said Office, and rendered incapable of holding any Office or Employment, relating to the Customs, within this Colony and Dominion: And the Person or Persons giving or paying any such Bribe, Reward, or Recompence, shall forfeit and pay One Hundred Pounds Current Money.

Drawback
on Liquors
exported
within 3
Months.

XIII. *PROVIDED* always, and it is hereby further Enacted, That if the Importer of any Liquors, of which the Duties and Customs, according to this Act shall be paid, shall, within Three Months after the Importation thereof into this Colony and Dominion, be desirous to export the same, or Part thereof; in such Case, the said Importers shall give a particular Account of the Contents, Casks, Marks, and Numbers of the Liquors he intends

to export, to the Collector, with whom, at their Importation, they were entered; and shall subscribe the same, and declare, upon Oath, that the Duty or Custom for the Liquors he desires to export, were, at the Entry, duly answered and paid, according to this Act; and that the said Liquors shall be directly carried out of this Dominion, and not sold, delivered, or put on Shore within the same: And then it shall be lawful for the said Collector, and he is hereby required and enjoined, to allow to the said Importer the whole Duty or Custom paid for the said Liquors so to be exported; any thing in this Act contained to the contrary, in any-wise, notwithstanding.

A. D. 1726.

Oath to be taken by the Exporter.

Collector to allow the whole Duty upon Exportation.

XIV. AND for an Encouragement to import Money into this Colony and Dominion,

Encouragement to import Money.

XV. *BE it further Enacted*, That whatsoever Person or Persons shall pay any of the Impositions, Duties, or Customs, accruing due, by Virtue of this Act, in good and lawful Money of his or their own Importation into this Colony and Dominion, to be proved by the Oath of the Party paying the same; such Person or Persons shall have an Abatement and Allowance of Fifteen *per Cent.* in all Duties so paid and satisfied; and every Collector of the said Duties is hereby authorized and required to make Allowance accordingly.

Duty paid in imported Money. 15 *per Cent.* allow'd.

Importation of Money, to be proved by Oath of the Party.

XVI. *AND be it further Enacted*, That the several Forfeitures and Penalties which shall or may arise, by Virtue of this Act, shall be divided into Three equal Parts; One Third whereof, shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; One Third Part to the Governor of this Colony and Dominion, for the Time being, to and for his own proper Use and behoof; and the other Third Part to him or them that will inform or sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Colony and Dominion; wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Forfeitures appropriated,

One Third to the King,

One Third to the Governor,

One Third to the Informer.

How to be recovered.

XVII. *AND be it further Enacted*, That the Governor or Commander in Chief of this Colony, for the Time being, with the Advice of the Council, shall be, and is hereby empowered, from Time to Time, and at all Times hereafter, to nominate, constitute, and appoint, such and so many Collectors of the Duties laid by this Act upon Liquors, as also such Salaries, not exceeding Six in the Hundred, for collecting the said Duties, as to him shall seem best.

Collectors to be appointed by Governor and Council.

Their Salary, 6 *per Cent.*

XVIII. *AND be it further Enacted*, That all and every such Sum and Sums of Money which shall be raised, collected, and levied, by the said Duties, the necessary Charges of collecting, managing, and accounting for the same always excepted, shall, from Time to Time, be accounted for, and paid by the respective Collectors thereof, to the Treasurer of *Virginia*, for the Time being, upon Oath; which Oath, the said Treasurer is hereby empowered to administer; and by the said Treasurer shall be accounted for, to the General Assembly of this Colony, upon Oath. And that all and every such Sum and Sums of Money which shall be raised, collected, and levied, by the said Duties of Three Pence upon every Gallon of Wine, Rum, Brandy, and other distilled Spirits, and of One Penny upon every Gallon of Cider, Beer, and Ale, over and above the necessary Charges aforesaid, are and shall be appropriated, issued, applied, and disposed of, to such Use or Uses, as the General Assembly, from Time to Time, shall think fit to direct, for lessening

Monies rais'd by this Act, to be paid to the Treasurer.

Collectors to account with the Treasurer, upon Oath.

Treasurer to account to the General Assembly, upon Oath.

Duties appropriated.

3 d. per Gallon, for lessening the Public Levy.

A. D. 1726. the Levy by the Poll, or defraying any Public Expence, and to and for no other Use whatsoever.

XIX. AND, forasmuch as the present Revenue of the College of *William and Mary*, is not sufficient to maintain the full Number of Masters or Professors required by the Charter of the said College, and thereby the Progress of Learning hath been much obstructed, and the Will of the Roial Founders in great Measure frustrated,

Out of the Duty of 1 d. per Gallon, 200l. per Ann. appropriated for 21 Years, for Relief of the College.

To be paid Half-Yearly to the Trustees, or to the President & Masters, and their Successors.

Or to the Visitors and Governors.

Overplus of the said Duty to be dispos'd of by the General Assembly.

XX. BE it further Enacted, by the Authority aforesaid, That the Sum of Two Hundred Pounds *per Annum*, out of the said Duty of One Penny upon every Gallon of Wine, Rum, Brandy, and other distilled Spirits, by this Act imposed, as aforesaid, is and shall be appropriated for the Relief of the said College; and for and during the said Term of Twenty-One Years, shall be paid by the said Treasurer, Half-Yearly, in equal Portions, unto the surviving Trustees of the said College, until the same shall be transferred to the President and Masters; and from and after such Transfer, then to the President and Masters, and their Successors, for and towards the maintaining and supporting the full Number of Masters and Professors, which are to reside in the said College. And if, at any Time, there shall be no Trustee of the said College, residing in this Country, before such Transfer shall be made, then the said Sum of Two Hundred Pounds shall be, in Manner aforesaid, paid to the Visitors and Governors of the said College, or to such Person as they shall appoint to receive the same: And after the said Sum of Two Hundred Pounds *per Annum* shall be so satisfied, then the Overplus of all Monies arising from the said Duty, shall be applied to such other Use or Uses, as the General Assembly shall think fit to direct, as aforesaid.

Collector may enter, or break open, by Warrant from a Justice, any House, to search for & seize Liquors, for which the Duty is not paid.

Officer sued for any thing done in Execution of this Act, may plead the General Issue.

On Nonsuit or Judgment against the Plaintiff, Defendant shall have double Costs.

Masters of Vessels transporting Liquors from one District to another within this Colony.

To make Oath before the Collector,

And take a Certificate. Master, failing,

XXI. AND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for all and every the Collector and Collectors of the Duties laid by this Act, to enter into any House, Warehouse, or Storehouse, in the Day Time; or if Occasion be, by Warrant under the Hand of a Justice of the Peace, and in Company with a Constable, to break open, in the Day Time, any House, Warehouse, or Storehouse, to search for, seize, and carry away, any Liquors on which a Duty is laid by this Act, and for which the said Duty shall not have been paid, according to the Directions herein given. And if any such Collector or Constable shall be sued or molested, for any thing done, in Execution of the Powers hereby given them, such Collector or Constable shall and may plead the General Issue, and give this Act in Evidence; of which, the Court where such Suit shall be brought, shall allow: And if, in such Suit the Plaintiff shall be nonsuited, or a Judgment shall pass against him, the Defendant shall recover double Costs.

XXII. AND be it further Enacted, by the Authority aforesaid, That all and every Master or Commander of any Ship, Boat, or other Vessel whatsoever, that from and after the Commencement of this Act, shall transport or carry any Liquors, on which a Duty is laid by this Act, from one District to another, within this Colony, shall, before he depart out of the District wherein such Liquors shall be laden or taken on Board, make Oath, before the Collector of the Duties in the said District, to the true Quantity of the Liquors so on Board, to be transported; and that he will not take, or suffer to be taken, on Board the said Ship, Boat, or other Vessel, any more Liquors, on which a Duty is laid, by this Act; and shall also take a Certificate from the said Collector, of the Quantity of Liquors then on Board, and that such Oath hath been made thereto. And if the Master of any Ship, Boat, or other Vessel, shall, after the Commencement of this Act, deliver or put

put on Shore in any other District, or transport from one District to another, any such Liquors, without having made such Oath, and obtained such Certificate as is herein above directed, such Master shall forfeit the Value of such Liquors: To be recovered and disposed of in such Manner, as the Penalties and Forfeitures herein before-mentioned, are directed to be.

A. D. 1726.

Forfeits the Value of the Liquors.

C H A P. II.

An Act appointing a Treasurer.

I. **B**E it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, That John Holloway, Esquire, shall be and is hereby nominated, constituted, and appointed, Treasurer of the Revenues arising by One Act of Assembly, passed this Session, intituled, *An Act for laying a Duty on Liquors*; and the said Treasurer is hereby authorized, impowered, and required, to demand, receive, and take, of and from every Collector and Collectors, all and every the Sum and Sums of Money, arising by Force of the before-recited Act of Assembly: And the said John Holloway is authorized and required to keep and retain all such Money in his own Custody and Possession, until he shall dispose of the same, in such Manner, and by such Warrant, and for such Uses, Intents, and Purposes, and no other, as are limited, directed, and appointed, in the said Act.

John Holloway, Esq; appointed Treasurer.

II. *AND* be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Salary of Four per Cent. shall be allowed and paid to the said Treasurer, out of all and every Sum and Sums of Money by him received and accounted for, to the General Assembly, according to the Directions of the said Act.

4 per Cent. Salary.

III. *AND* be it further Enacted, That the said John Holloway, before his Entry and Admission into the said Office of Treasurer, and before his taking upon him to execute and manage the same, shall give Bond in the Secretary's Office, with good and sufficient Security, in the Sum of Four Thousand Pounds Current Money, payable to His Majesty, his Heirs and Successors, for the true and just Performance and Discharge of the aforesaid Office and Place of Treasurer, according to the true Intent and Meaning of the afore-recited Act of Assembly.

Treasurer to give Bond & Security, in 4000l.

IV. *PROVIDED* always, That in Case of the Death, Departure out of the Colony, or other legal Disability of the Treasurer hereby appointed, that then it shall and may be lawful, to and for the Honourable the Lieutenant-Governor, or the Governor and Commander in Chief, for the Time being, with the Advice of His Majesty's Council, to appoint and constitute such other Person as he shall think fit, to execute the said Office of Treasurer, according to the several Rules and Directions in this Act expressed, who shall hold, have, and enjoy, the said Office of Treasurer, with all and singular the Rights and Profits to the said Office belonging, until the then next Session of Assembly; giving such Bond and Security as herein before is directed; any thing in this, or any other Act, to the contrary, in any-wise, notwithstanding.

In Case of Death, Departure, or legal Disability of the Treasurer, Governor and Council to appoint another Person to execute the said Office till the next Session of Assembly.

A. D. 1726.

C H A P. III.

An Act to repeal the Act, intituled, An Act directing the Manner of levying Executions, and for Relief of poor Prisoners for Debt; and one other Act to explain the said Act; and to declare the Law concerning Executions; and for Relief of poor Prisoners for Debt.

Preamble.

4 Anne,
Cap. 38.

I. **W**HEREAS heretofore, by Reason of the Scarcity of Money in this Colony, it was thought expedient that all Persons who should be taken in Execution, for the satisfying any Debt or Damages recovered against them in any of the King's Courts within this Colony, might be at Liberty to redeem their Bodies, and to discharge such Debt or Damages, by tendering and delivering sufficient of their Goods and Chattels: And that all Creditors should be bound to accept the same, according to a reasonable Valuation thereof, to be made by indifferent Men to be chosen and appointed for that Purpose: And it hath also been judged reasonable, that when the Goods and Chattels of any Debtor should be taken, by Virtue of any Writ of Execution, for the satisfying any Judgment, the Plaintiff should accept the same, according to the like Valuation. And for that End, One Act of Assembly, in the Fourth Year of the Reign of the late Queen Anne, was made, intituled, *An Act directing the Manner of levying Executions, and for Relief of poor Prisoners for Debt*: But by long Experience thereof, it hath been found, that the Indulgence thereby intended to Debtors, hath been grossly abused, and sundry dishonest People taking Advantage of the Defects of the said Act, have frequently tendred only such Part of their Goods and Chattels, as were of little Value, and of no Use to themselves or others; and the Partiality of Appraisers hath also often concurred to promote such foul Practices; and many Creditors have rather chosen to lose their Debts, than be obliged to pay the Overplus of an unjust and excessive Appraisement: Which Abuses daily more and more encreasing, to the great Dishonour of the good People of this Colony, and to the Discouragement of Trade, and the Decrease of Personal Credit among the People here:

Repeal of
C. 38. 1705.And also of
C. 52. 1705.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the said Act of Assembly, made in the Fourth Year of the Reign of Her said late Majesty Queen Anne, intituled, An Act directing the Manner of levying Executions; and for Relief of poor Prisoners for Debt; and also one other Act made in the same Year, to explain Part of the said Act, and every Clause, Matter, or Thing, therein contained, be and are hereby Repealed, and utterly made Void, to all Intents and Purposes.*

Writs of Fieri Facias, Elegit, and Capias ad Satisfaciendum,

How to be issued, executed, and returned.

III. **A**ND forasmuch, as by the Common Law of England, and divers Acts of Parliament, which are binding upon the People of this Colony, all Persons recovering any Debt, Damages, or Costs, by the Judgment of any Court of Record, may, at their Election, prosecute Writs of *Fieri Facias*, *Elegit*, and *Capias ad Satisfaciendum*, within the Year, for the taking the Body, Goods, or Lands, of the Person or Persons against whom such Judgment is obtained, to satisfy the same: To the End, the said several Writs issuing out of any of the Courts of Record within this Dominion, and the Manner of executing and returning the same, may be uniform throughout the whole Country; and the

Mischiefs

Mischiefs which may arise from the incorrect Forms, and insufficient Returns of such Writs, may be prevented, 4. L. 1726.

IV. *BE it Enacted and Declared, by the Authority aforesaid, That the several Writs aforesaid, shall be hereafter issued in the King's Name, and bear Teste, by the Clerk of the Court out of which the same shall issue, and be made returnable in the General Court, to some Day in the next General Court; and in the County Courts, to the next succeeding Court; so that there be always at least Fifteen Days between the Teste and Return, according to the respective Forms hereafter mentioned, Mutatis Mutandis.*

To be issued in the King's Name, & bear Teste, by the Clerk.
Returnable to the Court whence issued.
15 Days between Teste and Return.

The Form of a *Fieri Facias*, in Debt.

GEORGE, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. To the Sheriff of County, Greeting. We command you, that of the Goods and Chattels of A. B. late in your Bailiwick, you cause to be made the Sum of which C. D. lately in our General Court, hath recovered against him, for Debt; also the Sum of which to the said C. D. in the same Court, were adjudged for his Damages; as well by Reason of detaining the said Debt, as for his Costs in that Suit expended, whereof he is convicted, as appears to us, of Record: And that you have the said before the Justices of our said Court, the Day of to render to the said C. D. of the Debt and Damages aforesaid; and that you have there then this Writ. Witness, &c.

Fieri Facias, in Debt.

A *Fieri Facias*, in Case upon a Promise.

As before, unto ——— for his Damages which he sustained, as well by Reason of his not performing a certain Promise and Assumption to the said C. D. by the said A. B. lately made, as for his Costs, by him about his Suit in this Behalf expended, &c.

Case.

In Trespass.

As before, unto ——— for Damages, as well by Occasion of a certain Trespass by the said A. B. to the said C. D. offered, as for Costs.

Trespass.

(If for the Defendant, say)

For his Costs about his Defence in a certain Action, at the Suit of the said ———

For the Defendant.

In Covenant.

As before, unto ——— for Damages, &c. by Occasion of the Breach of a certain Covenant between the said A. B. and C. D. lately made.

Covenant.

The Form of a Writ of *Elegit*.

GEORGE, &c. Greeting, &c. Whereas A. B. at our General Court, before our Justices held, &c. hath recovered against C. D. which to the said Plaintiff was adjudged for a certain Debt or Damages, — as before — And the said A. B. by the Statute in that Case made and provided, hath chosen to have delivered to him all the Goods and Chattels

Elegit.

4. 12. 1726. *tels of the said C. D. besides the Oxen and Beasts of his Plough, and also a Moiety of all his Lands and Tenements in your Bailiwick; To Have and to Hold, the Goods and Chattels aforesaid, as his own proper Goods, and the said Moiety, as his Freehold, to him and his Assigns, until he shall have levied thereof, the Debt and Damages aforesaid: Therefore we command you, that you cause to be delivered all the Goods and Chattels of the said C. D. besides the Oxen and Beasts of his Plough, and also a Moiety of all his Lands and Tenements in your Bailiwick, whereof he, at the Day of obtaining the said Judgment, was seized, or at any Time afterwards, by reasonable Price and Extent; To Have and to Hold, the said Goods and Chattels to him, the said A. B. as his own proper Goods and Chattels, and the said Moiety, as his Freehold, to him and his Assigns, according to the Form of the Statute aforesaid, until he shall have levied thereof, the Debt and Damages aforesaid. And that you certify our said Justices, under your own Seal, and the Seals of those by whose Oaths you shall make this Extent and Appraisement, how you execute this Writ, the Day of* *And have then there this Writ, &c.*

The Form of a *Capias ad Satisfaciendum*.

Capias ad Satisfaciendum.

GEORGE, &c. Greeting, &c. We command you, that you take A. B. late of, &c. if he be found within your Bailiwick, and him safely keep, so that you have his Body before our Justices of our General Court, the Day of to satisfy C. D. the Sum of which the said C. D. hath recovered against him for Debt, &c.

And in Case, Trespass, and Covenant, as before, in the *Fieri Facias*.

To be executed by the Sheriff.

Forms of Returns.

Which said Writs so issued, shall be executed by the Sheriff, or other Officer, or Minister, to whom the same shall be directed; and shall be returned, according to the respective Forms hereafter mentioned.

The Return of a *Fieri Facias*.

Fieri Facias executed.

BY Virtue of this Writ to me directed, I have caused to be made the within mentioned Sum of of the Goods and Chattels of the within named A. B. which said Sum of before the Justices within mentioned, at the Day and Place within contained, I have ready, as that Writ requires.

Or,

Nihil.

THE within named A. B. hath no Goods or Chattels in my Bailiwick, whereof I can make the Sum within mentioned.

Or,

Fieri Facias executed for Part, & Nihil for the Residue.

BY Virtue, &c. I have caused to be made, of the Goods and Chattels of the within named A. B. the Sum of which I have ready to render to the within named C. D. in Part of the Debt and Damages within mentioned. And I do further certify, that the said A. B. hath no more Goods and Chattels within my Bailiwick, whereof at present I can make the Residue of the said Debt and Damages, as by the said Writ is required.

The

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Ret' Elegit.

The Return of a Writ of Elegit.

sc. Inquisition indented, taken at _____ in the County afore-
 said, the _____ Day of _____ in the Year of our Lord
 before me, E. F. Gent. Sheriff of the County aforesaid, By Virtue of a
 Writ of our Lord the King, to me directed, and to this Inquisition annexed,
 and by the Oath of G. H. I. K. &c. good and lawful Men of my Balliwick,
 who being charged and sworn, upon their Oaths, do say, that A. B. in the
 said Writ to this Inquisition annexed named, the Day of the Caption of this
 Inquisition, was possessed of the Goods and Chattels following, as of his own
 proper Goods, viz. ----- of the Price of ----- which I, the said Sheriff,
 have caused to be delivered to the said C. D. To Hold to him, as his own
 proper Goods and Chattels, in Part of Satisfaction of his Debt and Dama-
 ges aforesaid, in the said Writ mentioned: And further, the said Jurors,
 upon their Oaths, do say, That the said A. B. at the Time of rendring the
 Judgment aforesaid, was seized in his Demain, as of Fee of and in -----
 (naming the Houses and Lands) ----- with the Appurtenances, of the
 clear annual Value in all the Issues, beyond Reprises, of ----- Pounds, -----
 Acres of which, or thereabouts, are a true and equal Moiety of all and sin-
 gular the Lands, Tenements, and Hereditaments whatsoever, in the County
 aforesaid, of the said A. B. which said Moiety, I the said Sheriff, the Day
 aforesaid, to C. D. in the said Writ named, at a reasonable Extent, have
 delivered; To Hold to him and his Assigns, as his Freehold, according to the
 Form of the Statute in that Case made and provided, until he shall have le-
 vied the Residue of the Debt and Damages aforesaid, as the Writ afore-
 said requires: And further, the said Jurors, upon their Oaths, do say,
 That the said A. B. at the Time of giving the Judgment aforesaid, had
 not, nor at the Day of taking this Inquisition, hath any other or more Goods
 or Chattels, Lands or Tenements, in the County aforesaid, to the Knowledge
 of the Jurors aforesaid. In Testimony whereof, as well I, the said Sheriff,
 as the Jurors aforesaid, to this Inquisition, have severally put our Seals,
 the Day, Year, and Place, above-mentioned.

The Return of a Capias ad Satisfaciendum.

By Virtue of this Writ to me directed, I have taken the within named
 A. B. whose Body, before the Justices within named, at the Day and
 Place within contained, I have, ready to satisfy C. D. of the Debt and Da-
 mages within mentioned, as within to me is commanded.

Return of
Capias ad Sa-
tisfaciendum
executed.

Or,

THE within named A. B. is not found in my Balliwick.

Non est in-
ventus.

V. A N D whereas, it hath been heretofore much doubted and questioned
 in England, before the Statute made in the Twenty-First Year of the late
 King James the First, if any Person being in Prison, charged in Execution,
 by Reason of any Judgment given against him, should happen to die in Ex-
 ecution, Whether the Party, at whose Suit, or to whom such Person stood
 charged in Execution at the Time of his Death, were not for ever concluded
 and barr'd to have Execution of the Lands and Goods of such Person so dying?
 And lest any Person of Sufficiency in Real and Personal Estate, intending to
 deceive others of their just Debts for which they stand charged in Execution,
 should obstinately and wilfully chuse rather to live and die in Prison, than to
 make any Satisfaction to their Creditors,

Stat. 21 Jac.
1. Cap. 24.

Z z

VI. B E

A. D. 1726.

Creditors & their Executors or Administrators may after the Death of the Debtor dying in Execution, have new Execution against his Estate.

VI. *BE it Declared and Enacted, by the Authority aforesaid, That the Party or Parties, at whose Suit, or to whom any Person shall stand charged in Execution, for any Debt or Damages recovered, his or their Executors or Administrators may, after the Death of the said Person so charged, and dying in Execution, lawfully sue forth and have new Execution against the Lands and Tenements, Goods and Chattels, or any of them, of the Person so deceased, in such Manner and Form, to all Intents and Purposes, as he or they, or any of them, might have had by the Laws and Statutes of the Realm of England, if such Person so deceased had never been taken or charged in Execution.*

Proviso, Lands bona fide sold, after Judgment, & the Money paid or secured to any Creditor, in Discharge of his Debt, not liable to a new Execution.

VII. *PROVIDED always, and be it Enacted and Declared, That this Act shall not extend to give Liberty to any Person or Persons, their Executors or Administrators, at whose Suit or Suits any such Party shall be in Execution, and die in Execution, to have or take any new Execution against any the Lands, Tenements, or Hereditaments of such Party dying in Execution, which shall, at any Time after the said Judgment or Judgments, be by him sold, bona fide, for the Payment of any of his Creditors; and the Money which shall be paid for the Lands so sold, either paid or secured to be paid, to any of his Creditors, with their Privy and Consent, in Discharge of his or their Debts, or some Part thereof.*

How Executions shall be issued by the Clerk.

VIII. *AND for Removing all Scruples, which may be entertained among Clerks, concerning the issuing of Executions,*

If the first Writ be not returned & executed, the Clerk may issue another, at the Cost of the Party requiring the same.

IX. *BE it further Enacted and Declared, That when any Writ of Execution shall issue, and the Party at whose Suit the same is issued, shall afterwards desire to take out another Writ of Execution, at his own proper Costs and Charges, the Clerk may issue the same, if the first Writ be not returned and executed. And if, upon a Capias ad Satisfaciendum, the Sheriff shall return, that the Defendant is not found, the Clerk may issue a (a) Fieri Facias: And if, upon a Fieri Facias, shall return, that the Party hath no Goods, or, that only Part of the Debt is levied; in that Case, it shall be lawful to issue (b) a Capias ad Satisfaciendum, upon the same Judgment. And so, where Part of a Debt shall be levied upon an Elegit, (c) a new Elegit shall issue for the Residue. And where Nihil shall be returned upon any Writ of Elegit, a Capias ad Satisfaciendum, or (d) Fieri Facias may issue; and so vice versa. (e) And where one Judgment is obtained against several Defendants, Execution thereon shall issue, (f) as if it were against one Defendant, and not otherwise.*

Judgment against several, Execution as against one Defendant.

For preventing Delays by Writs of Audita Quærela.

X. *AND (g) whereas, by the Common Law, if a Creditor should take Execution upon any Judgment, or Statute, and the Debtor shall before make Alienation of Part of his Lands, and such Land shall be omitted out of the Extent, the same Execution may be avoided by Audita Quærela, and thereby the Party extending, may lose his Costs, and be delayed of his just Debt; and so again, upon any new Extent, toties quoties. And if any one Acre*

Or Infancy.

(a) This was a Question at Common Law, 1 Roll. Abr. 904. Hob. 57. (b) This is agreeable to the Common Law, *ibid.* (c.) This might be at the Common Law, Hob. 57. (d) This was question'd at Common Law, Roll. Abr. 904. Hob. 57. *contra.* (e) The Meaning of these Words must be, that where Nihil is return'd upon a Fieri Facias, an Elegit may issue; or where Fieri Feci for Part is returned, a Fieri Facias may issue for the Residue; and this might be done at the Common Law, according to several Precedents, *Vid. Brownl. Brev. Judic. 55. Thesaurus Brev. 115. Officina Brev. 93.* (f) The Meaning of this, is, that where there are several Defendants, one Sort of Execution shall issue against them; and not a Capias against one, and Fieri Facias against another. (g) This Clause is not so clearly worded as it ought to have been, but the Meaning of it is, when Part of the Lands alien'd are extended, and other Part omitted, the Execution shall not be avoided for that Reason. *Vide the Statute 16 & 17 Car. C. 5.*

or Parcel of Land happen to descend to an Infant, the whole Execution must be deferred, 'till the full Age of such Infant; and if afterwards, other Part of the Land or Tenements liable to such Debt, shall descend to another Infant, then further Delay will happen during that Infancy also. And these Inconveniencies and Delays being remedied in *England*, by One Act of Parliament made in the Sixteenth Year of the Reign of the late King *Charles* the Second, which is not binding upon the Subjects here:

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Stat. 16 & 17 Car. 2. Cap. 5.

XI. *BE it Enacted and Declared, by the Authority aforesaid, That* when any Judgment, Statute, or Recognizance, shall be extended, the same shall not be avoided or delaied, by Occasion that any Part of the Lands or Tenements extendible, are or shall be omitted out of such Extent.

No Extent shall be avoided or delaied, by Omission of Part of the Lands or Tenements extendible. Saving Clause for Remedy of Contribution.

XII. *SAVING* always to the Party and Parties, whose Lands shall be extended, his and their Heirs, Executors, and Assigns, his and their Remedy, for Contribution against such Person and Persons, whose Lands are or shall be omitted out of such Extent, from Time to Time.

XIII. *PROVIDED* always, That this Act, or any thing therein contained, shall not be construed to give any Extent or Contribution against any Heir within the Age of One and Twenty Years, during such Minority of such Heir, for or in Respect of any Lands to such Heir descended, farther or otherwise than might have been made before the making this Act.

Proviso, No Extent or Contribution given against Infants, by this Act.

XIV. *AND be it further Enacted, (a) That* no Writ of *Fieri Facias*, or other Writ of Execution, shall bind the Property of the Goods against which such Writ of Execution is sued forth, but from the Time that such Writ shall be delivered to the Sheriff, Under-Sheriff, or Coroners, to be executed: And for the better Manifestation of the said Time, the Sheriff, Under-Sheriff, and Coroners, their Deputies and Agents shall, upon the Receipt of any such Writ, (without Fee for doing the same) endorse upon the Back thereof, the Day of the Month, and Year, when he or they received the same: And if Two or more Writs shall be delivered against the same Person in the same Day, that which was first delivered, shall be satisfied first. (b)

Property of Goods taken in Execution, shall be bound from the Time of delivering the Writ to the Officer. Officers to endorse the Day of Receipt upon the Back of the Writ.

XV. *AND be it further Enacted, by the Authority aforesaid, That* when any Sheriff, or other Officer, or Minister, shall take the Goods or Chattels of any Person whatsoever, by Virtue of any Writ of *Fieri Facias*, and the Owner of such Goods or Chattels, shall not, within Three Days after such Taking, satisfy the Party suing out such Writ, his Debt, Damages, and Costs, such Sheriff, or other Officer, shall and may lawfully sell, by Auction, the Goods and Chattels so taken, or so much thereof, as shall be sufficient to satisfy the Judgment, for the best Price that can be gotten for the same: But shall give Notice of the Time and Place appointed for such Sale, at the Church or Chapel of the Parish, where such Goods shall be taken in Execution, by setting up a Note thereof, before the Service begins, in some convenient or usual Place near such Church or Chapel, and by publishing the same in the Church-yard immediately after Divine Service, upon the next *Sunday* after such Taking: Which said Sale shall be made the Third Day after such Notice given, as aforesaid, and not sooner.

Goods taken upon *Fieri Facias*, shall be sold by Auction, if the Judgment be not satisfied in 3 Days after Seizure.

Officer to give Notice of the Time & Place of Sale.

Sale to be made the 3d Day after Notice given.

(a) This is a Clause of the Statute against Frauds and Perjuries, 29 Car. 2. Cap. 3. and the Design of it was to declare, when several Persons have Executions at the same Time, against the same Person, that which is first delivered, shall be first served: For it seems, at Common Law, they were to take Place according to the Teste, *Comberb.* 429. but now it is otherwise. (b) This was a Question upon the Statute, but so determined. *Cartkew* 420.

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Upon Security given, the Officer may suffer the Goods to remain in Possession of the Debtor, until the Day of Sale.

Provido, If Tender of the Debt, &c. be made on the Day of Sale, the Goods shall be restored.

Sheriff not paying Monies levied upon a *Fieri Facias*, the Clerk may issue a *Scire Facias* against such Sheriff or Officer.

If Goods remain in the Officers Hands for want of Buyers, a *Venditioni Exponas* shall issue.

Form of the Writ.

The Goods to be sold for ready Money, or upon Credit.

Recital of a Clause, 9 Anne Cap. 11.

XVI. PROVIDED always, That if the Person, whose Goods or Chattels shall be taken in Execution, as aforesaid, shall give sufficient Security to the Sheriff, or other Officer, or Minister, serving the same, to have the same Goods and Chattels forth-coming at the Time of Sale, it shall and may be lawful to and for such Sheriff or Officer to accept such Security; and thereupon to suffer the said Goods and Chattels to remain in the Possession, and at the Risque of such Debtor, until the Time aforesaid.

XVII. PROVIDED nevertheless, If the Person, whose Goods and Chattels shall be taken in Execution, shall, at the Time appointed for such Sale, tender to the Sheriff, or other Officer, the Debt, Damages, and Costs, for which his Goods and Chattels shall be so taken, such Sheriff or Officer shall accept the same, and restore the said Goods to the Owner.

XVIII. AND if any Sheriff, or other Officer, or Minister, shall make Return upon any Writ of *Fieri Facias*, that he hath levied the Debt, Damages, and Costs, as in such Writ is required, or any Part thereof, and shall not immediately pay the same to the Party to whom the same is payable, or his Attorney; the Clerk of the Court, out of which such Writ shall issue, is hereby required, at the Request of the Party, to issue a *Scire Facias* against such Sheriff, or other Officer, to have Execution against him for the Money so by him levied.

XIX. AND if the Goods taken by any Sheriff, or other Officer, or Minister, as aforesaid, or any Part thereof, shall remain in his Hands for want of Buyers, he shall make Return accordingly; and thereupon the Writ of *Venditioni Exponas* shall issue to such Sheriff, or other Officer, directed according to the Form following:

GEORGE, &c. To the Sheriff of _____ County, Greeting. We command you, that you expose to Sale, those Goods and Chattels of A. B. to the Value of _____ which, according to our Command, you have taken into our Hands, and which you detain for want of Buyers, as you have certified to our Justices of our General Court, to satisfy C. D. the Sum of _____ whereof in our said Court he hath recovered Execution against the said A. B. by Virtue of a Judgment in the said Court: And that you have, &c.

And thereupon such Sheriff, or other Officer, shall dispose of such Goods and Chattels in any Manner, either for ready Money, or upon Credit, as he, and the Party prosecuting such Writ, shall think best.

XX. AND whereas, in and by one Clause in the Act of Assembly, For Establishing County Courts, and for Regulating and Settling the Proceedings therein, It is Enacted, That when a Judgment shall be obtained against any Person in the County Court, in any transitory Action, and such Person shall remove himself out of that County, so as Execution cannot thereupon be served upon him; it shall and may be lawful for the Clerk of the Court, where such Judgment was granted, to make out, and for any Justice of the Peace of the *Quorum* to sign, an Execution against the Body of the said Defendant, and to direct the same to the Sheriff of any County within this Colony, who is by the said Act impowered and directed to serve the same, in like Manner, as if Execution had issued from the Court of the County where such Defendant shall be found. And it being equally just and reasonable, that the Plaintiff or Creditor should have Remedy, as well against the Goods and Chattels, as against the Body of such Defendant or Debtor,

XXI. BE

XXI. *BE it therefore Enacted*, That the said Clause in the before-recited Act, be from henceforth repealed; and that where Judgment in any Action shall be obtained in any inferior Court of Record within this Dominion, for any Debt or Damages, and the Person against whom such Judgment shall be obtained, shall remove himself and his Effects out of the Limits of the Jurisdiction of such Court, it shall and may be lawful for the Clerk of such Court, where such Judgment shall be given, at the Request of the Party for whom the same was rendered, to issue any Writ of *Fieri Facias*, or *Capias ad Satisfaciendum*, in the Form, and under the Teste herein before prescribed; and to direct the same to the Sheriff of any County within this Colony, where the Defendant or Debtor, or his Goods shall be found: Which said Sheriff, or other Officer, to whom the same shall be directed, is hereby impowered and required to serve and execute the same, and shall make Return thereof, to the Court where the Judgment was given, in the same Manner and Form as is herein before prescribed and directed; any thing in the before-recited Act, or any other Act contained, or any Law, Usage, or Custom, to the contrary thereof, notwithstanding.

XXII. *AND* whereas, by Reason of the Unwholesomeness of most Prisons in this Colony, certain Rules or Bounds have been laid out and appointed, wherein Prisoners taken or charged in Execution, may be permitted to walk, for their Healths;

XXIII. *BE it Enacted*, That if any Person or Persons taken or charged in Execution, shall enter into Bond, with good and sufficient Securities, under a reasonable Penalty, upon Condition, That he or they shall not depart or go out of the Rules or Bounds of the Prison to which he or they shall be committed, it shall and may be lawful for the Sheriff, or other Officer, in whose Custody such Prisoner or Prisoners shall be, to permit him or them to go out of the Prison, and to return at his or their Pleasure.

XXIV. *AND be it further Enacted, by the Authority aforesaid*, That if any Prisoner or Prisoners taken or charged in Execution, as aforesaid, shall make his or their Escape from the Prison to which he or they shall be committed; or, having the Liberty of the Rules or Bounds of such Prisons, shall escape, it shall and may be lawful, upon Oath thereof in Writing, to be made by one or more credible Person or Persons, before any one of the Judges of that Court where such Judgment and Execution were obtained, to and for such Judge, before whom such Oath shall be made, and such Judge is hereby authorized and required, from Time to Time, to grant unto any Person whatsoever who shall demand the same, one or more Warrant or Warrants, under his Hand and Seal, therein reciting the Execution or Executions with which such Person or Persons so escaping or going at large, stood charged: Which said Warrant or Warrants shall be in Force in all Places whatsoever, within this Colony and Dominion; and shall be directed to all Sheriffs, Maiors, Bailiffs, Constables, and Headboroughs therein; and thereby commanding them, and every of them, in their respective Counties, Cities, Towns, and Precincts, to seize and retake such Person or Persons so escaped or going at large; and such Person or Persons so retaken upon such Warrant, forthwith to convey and commit to the Prison where Debtors are usually kept, in the County where such Person or Persons so escaped or going at large, shall be retaken; there to remain without Bail or Mainprize, or being thence, upon any Account whatsoever, delivered or removed, until he, she, or they, shall have made full Paiment or Satisfaction to the respective Plaintiff or Plaintiffs, Creditor or Creditors, in such Execution or Executions named, or until the

A. D. 1726.

Repeal of
Sect. 23. C.
11. 1710.

Upon Judgment obtained in inferior Courts of Record, any Person removing himself & his Effects, the Clerk may issue a *Fieri Facias*, or *Capias ad Satisfaciendum*.

Directed to the Sheriff of any County in this Colony.

Sheriff to execute and return the same to the Court where the Judgment was given.

Prisoners taken in Execution, may be permitted the Liberty of the Prison Bounds giving Bond & Security.

Vid. the Stat.
1 Anna, C. 6.
& 5 Anna,
C. 9.

If Escape be proved upon Oath in Writing, before a Judge of that Court whence Execution issued; such Judge shall grant his Warrant or Warrants for retaking the Person. Warrant to be in Force in all Places within this Colony.

Prisoner retaken on such Warrant, shall be committed without Bail or Mainprize, to the Goal of the County where retaken, there to remain, 'till discharged by due Course of Law.

Judg-

A. D. 1726.

If such Prisoner be removed, for any Matter on Behalf of the King, to any other Prison, he or she shall be in Custody of such Goal. Officer to take Receipt from the Sheriff for Delivery of a Prisoner retaken upon Warrant.

Sheriff to receive the Prisoner, & to make Return of the Warrant to the Court where the Judgment was given.

Fraudulent Devises, and Conveyances.

And Alienation of Heirs in Prejudice of Creditors.

Remedied by Parliament.

Stat. 3 Gul. & Mar. Cap. 14. declared in Force.

For Relief of Insolvent Debtors,

Person taken in Execution & remaining in Prison 20 Days, may petition.

Any Justice may, upon such Petition, require the Goaler to bring the Body of such Prisoner

Judgment or Judgments, on which such Execution or Executions was or were sued out against such Person or Persons, shall be reversed or discharged, by due Course of Law; except such Person or Persons be charged with Treason or Felony, or any other Crime, Matter, or Cause, for and on the Behalf of the King's Majesty, his Heirs and Successors: And if he or she, for any such Cause, be removed to any other Goal or Prison, he or she shall be in Custody of such Goal, charged with all the Executions which he or she is or shall be charged, in the Goal from whence he or she shall be removed. And every Officer, after Delivery of such Prisoner so retaken, together with such Warrant to the Sheriff, shall take a Note in Writing, from such Sheriff, testifying the Receipt of such Prisoner; which said Sheriff is hereby required to receive such Prisoner, and give such Note; and shall make a Return of such Warrant to the Court where the Judgment was obtained; which shall be entered and filed upon Record. And if any such Person or Persons so retaken by Warrant, as aforesaid, shall, at any Time, make any Escape out of the Goal, to which he, she, or they, shall be so conveyed and committed, as aforesaid, the Sheriff in whose Custody he, she, or they, was or were, shall be liable to answer for such Escape.

XXV. AND whereas it is not reasonable or just, that by the Practice or Contrivance of any Debtors, their Creditors should be defrauded of their just Debts; and nevertheless, it hath often so happened, that where several Persons having, by Bonds or other Specialties, bound themselves and their Heirs, and afterwards died seized of and in Messuages, Lands, Tenements, and Hereditaments, have, to the defrauding of such their Creditors, by their Last Wills and Testaments, devised the same, or disposed thereof, in such Manner, as such Creditors have lost their said Debts:

XXVI. AND whereas, by the Laws now in Force in this Colony, it is in the Power of Heirs at Law, to avoid the Payment of the just Debts of their Ancestors, by selling, aliening, or making over the Lands, Tenements, and Hereditaments, descending to them, which are, by Law, liable to pay such Debts, before any Process be issued out against them:

XXVII. FOR Remedying of which Mischiefs, one useful and beneficial Act of Parliament was made, *for the Relief of Creditors, against fraudulent Devises*, in the Third Year of the Reign of the late King *William* and Queen *Mary*,

XXVIII. *BE it therefore Enacted*, That the said Act of Parliament, *for Relief of Creditors, against fraudulent Devises*, be and is hereby declared to be in Force within this Colony and Dominion.

XXIX. AND for Relief of Insolvent Debtors who shall be taken in Execution, and to prevent the long Imprisonment of unfortunate People, which can be no Benefit, but may be rather a Disadvantage to their Creditors,

XXX. *BE it Enacted, by the Authority aforesaid*, That if any Person or Persons now are or hereafter shall be taken or charged in Execution, and shall have remained in Prison by the Space of Twenty Days, it shall and may be lawful for any Justice or Justices of the Peace of any County, City, Town, or Liberty, within this Colony, upon Petition of such Prisoner or Prisoners, under his or their Hands and Seals, whereof Notice shall be given to the Person or Persons, his or their Executors, Administrators, Attorney, or Agents, at whose Suit such Prisoner or Prisoners shall be imprisoned, to require the Sheriff, Goaler, or Keeper, of any Prison, within their respective Jurisdictions,

risdictions, to bring before the Justices of the Peace, at the Court to be held next after the Date of the said Warrant, for such respective County, City, Town, or Liberty, the Body of any Person being in Prison, as aforesaid, together with a List of the several Executions, with which he, she, or they, is or are charged, in the several Goals, as aforesaid: Which Warrant, every such Sheriff, Goaler, or Keeper, is hereby commanded to obey. And such Prisoner or Prisoners coming before the said Justices, shall, in open Court, subscribe and deliver in a Schedule of his whole Estate; and make Oath, and swear to the Effect following; (that is to say,)

I A. B. do, upon my corporal Oath, in the Presence of Almighty God, solemnly swear, profess, and declare, That the Schedule now delivered, and by me subscribed, doth contain, to the best of my Knowledge and Remembrance, a full, just, true, and perfect Account and Discovery of all the Estate, Goods, and Effects, unto me any ways belonging, and such Debts as are to me owing, or to any Person in Trust for me, and of all Securities and Contracts, whereby any Money may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Use, or to any other Person or Persons in Trust for me: And that I, or any other Person or Persons in Trust for me, have not Land, Money, Stock, or any other Estate, Real or Personal, in Possession, Reversion, or Remainder, of the Value of the Debt or Debts with which I am charged in Execution: And that I have not directly or indirectly sold, lessened, or otherwise disposed of, in Trust, or concealed, all or any Part of my Lands, Money, Goods, Stock, Debts, Securities, Contracts, or Estate, whereby to secure the same, to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors to whom I am indebted, in any-wise howsoever.

So help me God.

Which said Schedule, being so subscribed, in the Presence of the Justices in open Court, as aforesaid, is to remain with the Clerk of the Court, for the better Information of the Creditors of such Prisoners.

XXXI. AND be it further Enacted, by the Authority aforesaid, That all the Lands, Tenements, and Hereditaments, which shall be contained in such Schedule, for such Use, Interest, Right, or Title, as such Prisoner or Prisoners then shall have in the same, which he or she may lawfully depart withal; and also all Goods and Chattels whatsoever, in such Schedule also contained, shall be vested in the Sheriff of the County wherein such Lands, Tenements, Hereditaments, Goods, and Chattels shall lie, or be found: And such Sheriff is hereby authorized, impowered, and required, to sell and convey the same to any Person or Persons whatsoever, for the best Price that can be got for the same: And the Monies arising by such Sale, shall be by such Sheriff or Officer paid to the Person or Persons, at whose Suit such Prisoner or Prisoners shall be imprisoned. Saving, to every such Prisoner, his or her necessary Apparel, and Utensils of Trade.

XXXII. AND after the delivering in such Schedule, and taking such Oath, as aforesaid, it shall and may be lawful for the Justices of the said Courts, or any Four of them, by their Warrant, to command the Sheriff, Goaler, or Keeper, of any Prison, forthwith to set at Liberty such Prisoner: Which Warrant shall be a sufficient Discharge to such Sheriff, Goaler, or Keeper, and shall indemnify him or them against any Escape or Escapes, or Action or Actions whatsoever, which shall or may be brought, commenced, or prosecuted, against him or them, by Reason thereof. And if any such Action shall be commenced against any Sheriff, or other Officer, for performing

A. D. 1726.

Prisoner before the next Court

Notice to be given to Creditors, &c.

With a List of the Executions with which he is charged.

Goaler to obey such Warrant.

Prisoner to deliver a Schedule of his Estate, upon Oath.

Schedule to remain with the Clerk.

Estate Real and Personal contained in such Schedule vested in the Sheriff.

Sheriff to sell and convey such Estate.

Monies arising by such Sale, shall be paid to the Creditors.

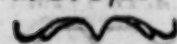
Saving Prisoner's Apparel, & Utensils of Trade.

Four Justices may order Sheriffs, &c. to set at Liberty such Prisoners.

Such Warrant to discharge the Sheriff.

Officer sued, may plead the General Issue, and give this Act in Evidence.

A. D. 1726.



ing his Duty, in Pursuance of this Act, such Sheriff, or other Officer, may plead the General Issue, and give this Act in Evidence.

Proviso, Persons taken in Execution, for more than 10 l. Current Money, or 2000 lb. Tob. to one Person, excepted out of this Act.

Creditors may, at any Time, sue forth Execution against Goods and Chattels acquired by such Prisoners.

Prison Fees of Insolvent Debtors to be paid by the County, for the First 20 Days; afterwards by the Creditor.

Insolvent Prisoners liable to the Creditor, for such Fees.

Creditor may, notwithstanding his Consent to release such Prisoner, have Execution at any Time afterwards.

XXXIII. PROVIDED, That no Person or Persons shall have any Benefit of this Act, who shall be taken or charged in Execution for more than the Sum of Ten Pounds Current Money, or Two Thousand Pounds of Tobacco, due to any one Person.

XXXIV. PROVIDED also, That nothing in this Act contained, shall extend, or be construed to extend, to discharge any Person or Persons of any Debt, or Sum of Money, for which he or they shall be imprisoned: But it shall and may be lawful for the Person or Persons, at whose Suit, he, she, or they, shall be so imprisoned, at any Time afterwards, to sue forth a Writ of *Scire Facias*, to have Execution against any Goods or Chattels, which such Prisoner or Prisoners shall thereafter acquire.

XXXV. AND be it further Enacted, by the Authority aforesaid, That if at any Time hereafter, any Person, being taken or charged in Execution, shall not be able to satisfy and pay his or her ordinary Prison Fees, such of the said Fees as shall accrue for the First Twenty Days Imprisonment, shall be discharged by the County: And the Sheriff, or Goaler, may demand and recover of the Party or Parties, at whose Suit such Insolvent Person shall be imprisoned, all such Fees as shall become due, after the Expiration of the said Twenty Days, until the Creditor shall agree to release such Prisoner out of Prison.

XXXVI. PROVIDED nevertheless, That such Insolvent Prisoner shall be afterwards liable to the Action of the Creditor, to recover such Fees; and such Creditor shall and may, notwithstanding his Consent to the releasing such Prisoner, afterwards sue out a *Scire Facias*, to have a new Execution against the Lands and Tenements, Goods and Chattels of such Prisoner, in Case he shall afterwards become possessed of any.

C H A P. IV.

An Act for amending the Act concerning Servants and Slaves; and for the further preventing the clandestine Transportation of Persons out of this Colony.

Preamble.
Recital of 4
Anne, C. 50.

I. WHEREAS, in and by one Act of Assembly, made at a General Assembly, begun at the Capitol, the Twenty-Third Day of October, in the Fourth Year of the Reign of our late Sovereign Lady Queen Anne, intituled, *An Act concerning Servants and Slaves*, It is, amongst other Things, Provided, That when any Negro, or other Runaway, that did not speak *English*, and could, or otherwise through Obstinacy, would not declare the Name of his Master or Owner; that then it should be sufficient for the Justice to certify the same, instead of the Name of such Runaway, and the Proper Name and Surname of his or her Master or Owner, and the County of his or her Residence, and Distance, of Miles, as in the said recited Act is set forth: And in such Case, should, by his Warrant, order the said Runaway to be conveyed to the Public Goal of this Country, there to be continued Prisoner, until the Master or Owner should be known; who, upon paying the

the Charges of the Imprisonment, or giving Caution to the Prison-keeper for the same, together with the Reward of Two Hundred and One Hundred Pounds of Tobacco, as the Case should be, should have the said Runaway restored. A. D. 1726.

II. AND whereas, in Pursuance of the said recited Act, many Runaways, whose Owners Names could not be known, have been sent to the Public Goal of this Country, although the said Owners, or their Overseers, have lived in the County, or near the Place where the said Runaways have been taken up; and it hath been found by Experience, that the said Clause in the said recited Act, hath proved very inconvenient: For Remedy thereof,

III. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Publication of this Act, all and every Negro, or other Person, who shall be taken up, and brought before any Justice of the Peace, and cannot speak *English*, or through Obstinacy, will not declare the Name of his or her Owner, such Justice shall, in such Case, and he is hereby required, by Warrant under his Hand, to commit the said Negro, Slave, or Runaway, to the Goal of the County wherein he or she shall be taken up; any former Act, Usage, or Custom, to the contrary, in any-wise, notwithstanding.

Runaways taken up, & not declaring the Name of their Owner, to be committed, by Justices Warrant, to the County Goal.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the Sheriff, or Under-Sheriff of the County, to whose Custody the said Runaway shall be committed, shall forthwith cause Notice in Writing of such Commitment, to be set upon the Court-house Door of the said County, and there continued, during the Space of Two Months; in which Notice, a full Description of such Runaway, and his Cloathing, shall be particularly set down; and shall cause a Copy of such Notice to be sent to the Clerk or Reader of each Church or Chapel within his County: Every which said Clerk or Reader is hereby required to make Publication thereof, by setting up the same in some open and convenient Place near the said Church or Chapel, on every Lord's Day, during the Space of Two Months from the Date thereof. And every Sheriff failing to give such Notice as herein is directed, shall forfeit and pay Five Hundred Pounds of Tobacco. And every Clerk or Reader failing to publish such Notice as is before directed, shall, for every such Offence, forfeit and pay Two Hundred Pounds of Tobacco: Which said several Forfeitures shall and may be recovered, with Costs, in any Court or Courts of Record in this Dominion, by Action of Debt, Bill, Complaint, or Information; wherein no Essoin, Privilege, or Protection, shall be allowed: The one Moiety whereof shall go to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to the Person who shall sue for the same.

Notice of such Commitment, & a Description of the Runaway to be set up by the Sheriff, at the Court-house, during Two Months.

And by the Clerk or Reader to be published at each Church or Chapel within the County, every Sunday.

Sheriff failing, forfeits 500 lb. Tob.

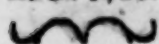
Clerk or Reader failing, forfeits 200 lb. Tob.

How to be recovered & appropriated.

V. *AND be it further Enacted, by the Authority aforesaid,* That if within the said Space of Two Months, the Owner of any such Negro, Slave, or Runaway, cannot be known, or doth not claim the same, that the Sheriff of the said County, to whose Custody such Runaway shall be committed, shall cause the said Runaway to be delivered to the next Constable, to be by him conveyed to the next Constable, and so from Constable to Constable, to the Public Goal of this Colony, after such Manner, and to receive such Punishment, as in the said first recited Act, is mentioned and directed.

Runaway to be committed to the Public Goal, if not claimed by the Owner within Two Months.

A. D. 1726.



VI. **BUT** whereas great Trouble is given to Constables in conducting Runaways, and a severe Penalty imposed on them, in Case such Negro or Runaway makes his or her Escape, and no Reward allowed for their Trouble in performing the Services by the said recited Act directed:

Constables exempted from Payment of Levies for their own Persons.

Ferry-Keepers shall give immediate Passage to Constables.

Ferriage of Constables, charged with Runaways, to be paid by the County, repaid by the Public, & levied upon the Owner.

Keeper of the Public Goal, may, by Order of Court, hire out Runaways, whose Owners are unknown.

Money or Tobacco arising by such Hire, how to be dispos'd of.

VII. *BE it Enacted, by the Authority aforesaid*, That all and every the Constables within this Dominion, for their Encouragement to perform their Duty, be for the future exempted from the Payment of all Public, County, and Parish Levies, for their own Persons, during their Continuance in their Office. And that Keepers of Ferries within this Dominion, shall give immediate Passage to all Constables and their Assistants, charged with conducting any Runaway, either to the Public Goal, or to such Runaway's Master or Owner, without charging such Constables or Assistants for the Ferriage, either Going or Returning; but all such Ferriage of Constables and their Assistants, and of all Runaways, shall be paid by the County where such Ferry-keepers respectively live, and shall be again repaid by the Public, and levied upon the respective Masters of such Runaways.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That when any Negro or Runaway, as aforesaid, shall be delivered to the Keeper of the Public Goal of this Country, by Virtue of this Act, and his Master or Owner cannot be known, it shall and may be lawful for the Keeper of the said Goal, upon his Application to the General Court, or the nearest County Court to the said Goal, with the Consent of either of the said Courts, to let the said Negro or Runaway to hire to any Person or Persons whom they shall approve of, for such Sum or Sums of Money, or Quantity of Tobacco, and for such Term or Time as they shall direct; and that out of the Money or Tobacco arising by such Hire, all Fees relating to the Taking-up, Imprisonment, and Conveying to Goal, and Charges of maintaining such Negro or Runaway, shall be first paid and discharged, and the Overplus (if any shall be) disposed of, as such Court or Courts (who shall order the said Negro or Runaway to be let out to hire) shall direct.

Proviso, Runaways to be delivered up, on Demand of their Owners, and Payment of all Charges.

IX. *PROVIDED always*, That when the Owner of such Runaway shall demand the same, the Person to whom such Negro or Runaway shall be let out to hire, shall forthwith deliver the same into the Custody of the Keeper of the Public Goal; and shall then also pay the Hire, in Proportion to the Time the said Runaway hath served: And the Keeper of the said Goal shall deliver the said Runaway to his Master or Owner, he or she paying down all Fees and Charges of Taking-up, Imprisonment, Conveying to Goal, and Maintaining such Runaway, in Case the Hire received for the Service of the said Runaway be not sufficient to satisfy the same.

Keeper of the Public Goal to put an Iron Collar on Runaways let to Hire.

Then Keeper not answerable for Escape.

X. *PROVIDED also*, That when the Keeper of the said Public Goal shall, by the Direction of such Court or Courts, as aforesaid, let out any such Negro or Runaway to Hire to any Person or Persons whatsoever, the said Keeper shall, at the Time of his Delivery, cause a strong Iron Collar to be put on the Neck of such Negro or Runaway, with the Letters (P. G.) stamped thereon; and that thereafter, the said Keeper shall not be answerable for any Escape of the said Negro or Runaway.

XI. *AND* whereas, the Fees for the Commitment, Maintaining, and Releasement of such Runaways, are not ascertained, and larger have been demanded by the Sheriffs and Goalers, than are reasonable,

XII. *BE*

A. D. 1726.

XII. *BE it Enacted*, That from and after the Publication of this Act, the Fees and Allowances of the said Sheriffs and Goalers, be as follow; (that is to say,) For the Commitment of every such Negro, or Runaway, to any County Goal, the Sheriff shall be paid for his Fee, the Sum of One Shilling Current Money, or Ten Pounds of Tobacco; and for the Keeping and Maintaining him or her in Goal for every Twenty-Four Hours, the Sum of Six Pence, or Five Pounds of Tobacco; and for his or her Release, One Shilling, or Ten Pounds of Tobacco: And that the Keeper of the Public Goal, for the Commitment of every such Negro or Runaway, shall be paid the Sum of Two Shillings Current Money, or Twenty Pounds of Tobacco; and for his or her Keeping and Maintaining in Goal, for every Twenty-Four Hours, the Sum of Six Pence of like Money, or Five Pounds of Tobacco; and for his or her Release, the Sum of Two Shillings of like Money, or Twenty Pounds of Tobacco, and no more. And if any Sheriff, in any County of this Dominion, or the Keeper of the Public Goal, shall demand and take any greater Fee or Allowance, than is hereby before appointed and allowed, for the Services and Maintenance aforesaid, or any of them, he or they so offending, shall, for every such Offence, forfeit and pay to the Party aggrieved, the Sum of Twenty Shillings; and shall also refund and pay back to such Party, all and every Sum of Money or Tobacco which such Sheriff or Goaler shall receive and take, over and above the Fees and Allowances herein before appointed: Which said Forfeiture of Twenty Shillings, shall and may be recovered before any Justice of the Peace of the County where such Offence shall be committed.

Prison-Fees
for Run-
ways.
In the Coun-
ty-Goal.

In the Pub-
lic Goal.

Sheriff or
Goaler taking
greater Fees,
than allowed
by this Act,
Forfeits 20 s.
to the Party
grieved.

Recov-
er-
able, before a
Justice of
Peace.

XIII. *PROVIDED nevertheless*, That when any Negro, or other Runaway, whose Master or Owner is or shall be an Inhabitant of the Provinces of *Maryland*, or *Carolina*, shall be committed to the Prison of any County, or to the Public Goal of this Dominion, it shall and may be lawful, to and for the Sheriff of the County, or Keeper of the said Goal, to whose Custody such Negro or Runaway shall be committed, to ask, demand, and receive, of such Master or Owner, the like Fees and Charges, for Taking up, Imprisonment, Commitment, Release, and Maintaining in Prison, as are or shall be demandable in the Province wherein such Master or Owner resides respectively, for the Taking-up, Imprisonment, Commitment, Release, and Maintenance of Runaways taken up and committed there, belonging to the Inhabitants of *Virginia*; any thing herein contained to the contrary, notwithstanding.

Exception.
Sheriff or
Goaler, may
take for Run-
aways, belong-
ing to *Mary-
land*, or *Caro-
lina*, the like
Fees, as are
payable in
those Provin-
ces, by the In-
habitants of
Virginia.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That when any Negro, or other Runaway, whose Owner shall be, or suppos'd to be resident in *Maryland*, or *Carolina*, shall be committed to the Public Goal of this Colony, the Keeper of the said Goal, shall, by the first Opportunity after such Commitment, send a Description of such Negro, or other Runaway, together with an Account of the Time of the Commitment, and the County from whence the Runaway was removed, to such particular Place or Places of this Dominion, bordering on the Provinces of *Maryland*, or *Carolina* respectively, as shall be agreed upon between His Majesty's Lieutenant-Governor, and the Governors and Commanders in Chief of the said respective Provinces; to the End, the Masters or Owners of such Runaways as shall happen to escape from those Provinces, may have timely Notice thereof.

Keeper of the
Public Goal,
shall send a
Description of
Runaways,
belonging to
Maryland, or
Carolina, to
some Place
hereafter to
be appointed
by the Govern-
ors.

XV. *PROVIDED*, That when, at any Time hereafter, such Negro or Runaway shall be let out to hire, after the Manner before expressed herein, the Keeper of the said Public Goal be not allowed any more than one Fee for the Commitment, and the same for the Release of such Negro or Runaway.

Commitment
and Release-
ment of Run-
aways let to
hire, shall be
but once char-
ged.

A. D. 1726.

Fees for
Runaways dy-
ing in the Pub-
lic Goal, shall
be defray'd by
the Public.

XVI. *AND be it further Enacted*, That where any such Negro or Runaway shall be committed to the Public Goal of the Country, by Virtue of this Act, whose Owners cannot be known, as aforesaid, and shall happen to die there; in such Case, all Charges of the taking up, keeping, and maintaining the said Negro or Runaway in Goal, and all other Charges relating thereto, shall be defraied by the Public.

C. 12. 1705.

XVII. *AND* whereas, the Act of Assembly of this Colony, intituled, *An Act to prevent the clandestine Transportation or Carrying of Persons in Debt, Servants, or Slaves, out of this Colony*, hath not been found effectual to obtain the Ends thereby intended; but many Persons in Debt, Servants, and Slaves, have been clandestinely conveyed out of this Colony: For Preventing whereof,

Masters of
Ships to make
Oath not to
transport any
Person with-
out a Pass.

XVIII. *BE it Enacted, by the Authority aforesaid*, That every Master of a Ship or Vessel shall, at the Time of his Clearing, and before he shall be cleared out hence, before the Officers of the Customs, in the Port where the Ship or Vessel rides, take the following Oath:

The Oath.

I A. B. Master of the Ship (or Vessel) C. do Swear, That I will make diligent Enquiry and Search in my said Ship (or Vessel,) and will not knowingly or willingly carry, or suffer to be carried, in my said Ship, out of this Dominion, without such Pass as is directed by Law, any Person or Persons whatsoever, that I shall know to be removing hence, in order to deceive their Creditors; nor any Servant or Slave, that is not attending his or her Master or Owner, or sent by such Master or Owner.

Officers of
the Customs
to administer
the Oath.

Which Oath, the said Officers of the Customs are hereby impowered and required to administer.

Taking the
Oath, shall not
discharge the
Master from
any Penalties
to which he is
liable, by 4

Anna, C. 12.

Any Person
forging a Pass,
forfeits 10l.

One Moiety
to the King,
the other to
the Informer.

Servants
forging a Pass,
shall stand in
the Pillory 2
Hours, and
receive 30
Lashes.

XIX. *PROVIDED* always, That the taking the said Oath, shall not discharge the Master of any such Ship or Vessel, from any of the Penalties to which he is liable, by the said last recited Act.

XX. *AND be it further Enacted, by the Authority aforesaid*, That if any Person or Persons (other than Servants) shall forge or counterfeit any Pass, in order to procure a Transportation out of this Colony; such Person or Persons so forging or counterfeiting the same, shall forfeit and pay Ten Pounds Current Money; one Half whereof shall be to His Majesty, his Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to the Informer: To be recovered, with Costs, in any Court of Record within this Dominion. And if any Servant shall forge or counterfeit any such Pass, or make use of the same, knowing it to be such, in order to obtain a Transportation, or to escape out of this Colony, either by Sea or Land, he, she, or they; so offending, shall stand in the Pillory, upon a Court Day, at the Court-house of the County, where he or she shall be convicted, for the Space of Two Hours, and receive Thirty Lashes, well laid on, at the Public Whipping-post of the said County.

Servants
running away,
and changing
Name or Ha-
bit, shall serve
6 Months.

XXI. *AND be it further Enacted*, That whatsoever White Servant shall run away, and at, or after his or her Departure, shall change his or her Name, or usual Habit, or otherwise disguise him or herself, with Intent thereby to escape, being discovered, on Proof made of such Deceit, every such Runaway shall be adjudged to serve his or her Master or Mistress, for the Space of Six Months, over and above all other Service due for running away.

XXII. *AND*

A. D. 1726.

XXII. AND whereas, many Abuses have been committed by Persons, who, under Pretence of understanding several Trades and Mifteries, have procured large Sums of Money to be advanced to them, and have entred into Covenants with Merchants, and Others, in *Great-Britain*, for the Paiment of large Wages, Yearly, though they were totally ignorant of, and unable to perform, such Trades and Mifteries: For Remedy whereof,

For prevent-
ing Abuses
practised by
pretended
Tradesmen.

XXIII. *BE it Enacted*, That all and every Person or Persons already imported, or who shall be imported into this Colony, as a Tradesman, or Workman, on Wages, and shall be found not to understand such Trade or Employment, the Master or Owner of such Servant, may bring him or her to any County Court of this Colony; which Court, upon Complaint to them made of such Deceit, are hereby impowered and directed to enquire into the same, and upon finding any such Fraud, may adjudge and direct such Satisfaction to be made to the Master or Owner of such Servant, either by Defalcation of the Wages, or Part thereof, or by ordering such further Time of Service for the Money advanced, as to them shall seem just.

Servants im-
ported as
Tradesmen,
and found ig-
norant, shall
make such Sa-
tisfaction to
the Master as
the County
Court shall
order.

XXIV. *AND be it further Enacted*, That if any Person who is or shall be imported into this Colony as a Tradesman, or other Workman, on Wages, shall refuse or neglect to perform his Duty, or shall absent himself from his Master's Service, without Leave; in every such Case, it shall and may be lawful for the Justices of the County Court wherein such Master resides, upon Complaint and Proof to them made, to order such Satisfaction and Reparation to the Master or Owner of such Servant, for the Damages sustained by him, for such Refusal or Neglect, as to them shall seem just: And for every Day such Servant shall absent himself from his said Master's Service, as aforesaid, to order and direct such Servant to serve his said Master or Owner, Two Days for every Day's Absence, after his Time, by Indenture or former Order of Court, is expired; and that without any Wages to be paid for such Service.

Servants on
Wages, refus-
ing to work,
shall be liable
for Damages
sustain'd by
the Master.

And for eve-
ry Day's Ab-
sence, shall
serve 2 Days
without Wa-
ges.

CHAP. V.

An Act for Reviving and Continuing Two Acts of Assembly therein mentioned. R E P.

Repealed,
Ch. 5. 1727.

CHAP. VI.

An Act for the more effectual Preventing the bringing Tobacco from North-Carolina, and the Bounds in Controversy.

I. **W**HEREAS, the Act of the General Assembly now in Force, doth not effectually prevent the bringing in Tobacco from *North-Carolina*: And whereas, since the making of the said Act, great Numbers of People have, contrary to the repeated Orders of this Government, seated themselves on the Lands between *Wiccons Creek*, and the Line run from the Mouth of *Nottoway River*, to describe the Boundaries in Controversy between

Preamble.
4 Anna, C. 5.

A. D. 1726.

tween this Colony and the said Province; and are there encouraged and protected, under Pretence of being under the Government of *North-Carolina*, contrary to the Agreement with that Government, That the said Tract should remain unseated until the Bounds should be determined: Which Persons so seated, as aforesaid, as well as those inhabiting within the Province of *North-Carolina*, being under no Regulation in the Manner of Making and Packing their Tobacco, do, notwithstanding, make and transport into this Colony, for Traffic and Sale, great Quantities of Tobacco, deceitfully packed, and unfit for Exportation, and yet pass the same as Tobacco of the Growth and Manufacture of *Virginia*, to the great Deceit of honest Traders, and the depreciating the Staple Commodity of this Country: For Remedy whereof,

Any Person who shall bring, sell, buy, or receive, Tob. from *Carolina*, &c. forfeits 10l. for every Hoghead &c.

One Moiety to the King, the other to the Informer.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That whosoever shall bring into this Colony, any Hoghead, Barrel, or other Parcel of Tobacco, from *North-Carolina*, or from any Place within that Tract, commonly known by the Name of the controverted Bounds, by Land or Water; or whoever shall sell, buy, or receive, any such Tobacco, knowing the same to be brought from thence, shall, for every such Hoghead, Barrel, or other Parcel, so brought in, sold, bought, or received, forfeit and pay the Sum of Ten Pounds Current Money of *Virginia*: To be recovered, with Costs of Suit, in any Court of Record within this Colony and Dominion, by Bill, Complaint, or Information: The one Half of which Penalty shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to the Informer.

Sheriff or Constable may seize Tobacco imported, contrary to this Act. Tobacco so seized, shall be sold publicly, and the Money arising by such Sale, shall be one Moiety to the King, the other to the Officer.

Proviso, After Settlement of the Boundaries, Tob. made within the Limits of *Virginia*, excepted out of this Act.

III. *AND be it further Enacted, by the Authority aforesaid*, That when, contrary to this Act, or any other Act of Assembly, any Tobacco shall be brought or imported into this Colony, it shall be lawful for the Sheriff, or a Constable of such County where such Tobacco shall be, to seize the same: And after such Seizure, upon Information thereof made to the Court of the County, by the Officer making the Seizure, the said Court is hereby empowered and required to order such Tobacco to be sold publicly; and the one Half of the Money accruing on such Sale, after all Charges deducted, shall be to our Sovereign Lord the King, for the Uses aforesaid, and the other Half to the Officer making the Seizure.

IV. *PROVIDED always*, That from and after the Determination and final Settlement of the Boundaries between this Colony, and the Province of *North-Carolina*, so much of this Act as extends to Tobacco made by the Inhabitants of that Part of the controverted Lands which then shall be found to lie within the Limits of this Colony, shall cease, determine, and be utterly void.

C H A P. VII.

An Act to prevent the Setting of Hedges into Rivers and Creeks, and the falling of Trees therein.

Preamble.

I. **W**HEREAS some Doubts have arisen, concerning the Laws already made, relating to the Clearing of Rivers and Creeks, in this Colony;

Colony; and the said Laws have been thought not to extend to any other Rivers or Creeks, but what are navigable: And whereas, many Inhabitants of this Colony, have, at their great Charge, built several Bridges over the said Rivers and Creeks, for the Benefit and Conveniency of Travellers, which, by the falling of Trees into the said Rivers, and by Means of Hedges set cross the same, the Course of the Water hath been obstructed, and thereby the said Bridges have been often Times broken down and carried away, to the great Prejudice of the said Inhabitants:

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That all Hedges already made cross any River or Creek whatsoever, in this Colony, shall be taken up and destroyed by the Person or Persons who made or placed the same; and that, for the future, no Hedge that shall in any-wise obstruct the Course or Passage of the said Rivers or Creeks, or any of them, shall be placed or set therein; but that every Person who shall not pull up and destroy any and every Hedge already by him set up in any of the said Rivers and Creeks, or who shall hereafter presume to set any such Hedge therein, shall forfeit and pay Five Hundred Pounds of Tobacco for every such Offence, over and above the Penalties already inflicted by Law. And if, after Conviction, the Person or Persons so offending, shall suffer the said Hedges, or any of them, to continue, and not pull up and destroy the same, he or they so offending, shall, for every Week they shall suffer the same to remain, forfeit and pay Five Hundred Pounds of Tobacco, over and above the Penalties already inflicted by Law. All which Forfeitures shall be to the Use of the Person or Persons who shall inform or sue for the same: And may be recovered, with Costs, in any Court or Courts of Record within this Colony and Dominion, by Bill, Complaint, or Information; wherein no Effoin, Protection, or Wager of Law, shall be allowed.

III. *AND be it further Enacted,* That all and every Person or Persons, who shall at any Time hereafter fall any Tree or Trees into any River or Creek in this Colony, and shall not cut and carry away the same within the Space of Forty Eight Hours after such falling, the Person or Persons so offending, shall forfeit and pay the Sum of Fifteen Shillings Current Money, for every such Tree so felled, and not cut and carried away: And shall and may be recovered before a Justice of the Peace of the County where such Offence shall be committed; and shall be to the Use of the Informer.

IV. *PROVIDED always,* That nothing herein contained, shall be construed, deemed, or taken, to restrain any Person, having Land on both Sides of a Creek, to the Head thereof, and no Public Landing thereon, to set Hedges cross the same, and to use and occupy the same, in such Manner, as he or she might have done, before the making of this Act, without being liable to any Penalty for so doing; any thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

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Hedges made cross any River or Creek, shall be destroyed by the Person who placed the same.

No Hedge to obstruct the Course of any River or Creek, shall be set therein.

Penalty in both Cases, 500 lb. Tob. besides all former Forfeitures.

Persons after Conviction, suffering Hedges to continue, forfeits 500 lb. Tob. per Week, besides former Penalties.

Forfeitures to the Informer.

Persons felling Trees into any River or Creek, & not removing the same in 48 Hours, forfeits 15s. per Tree.

This Act not to extend to Owners of Land on both Sides a Creek, to the Head thereof, & no Public Landing thereon.

A. D. 1726.

C H A P. VIII.

*An Act for Settling new Ferries, over Rappahanock, Northanna, and Appamatock Rivers.*7 Geo. 1. C. 8.
4 Anne, C. 53.

I. **W** H E R E A S, by reason of the Increase of Settlements, the Ferries already established by Law, are not sufficient to answer the Ends thereby intended,

New Ferries
appointed.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That Ferries be constantly kept at the Places hereafter named; and that the Rates for Passing the said Ferries, be as follow: That is to say,*

*On Rappahanock River,*Places and
Rates for Fer-
riage.

F R O M Mrs. *Jael Johnson's*, in *Spotsylvania* County, to *Thomas Harwood's*, in *King George* County, the Price for a Man, Half a Bit, and for a Horse, the same.

F R O M *John Taliaferro's* Plantation, of the *Mount*, in the County of *Essex*, in the Occupation of *Anthony Seale*, over the said River, to the Land of *Joseph Berry*, in *King George* County, in the Occupation of *Anthony Seale, Junior*, the Price for a Man, Half a Bit, and for a Horse, the same.

F R O M the Land of *William Pulliam*, in *Hanover* County, over *Northanna* River, to *John Holliday's*, in *King William* County, the Price for a Man, Three Pence, and for a Horse, Three Pence.

A N D, from *Archer's Point*, in *Henrico* County, over *Appamatock* River, to the County of *Prince George*, the Price for a Man, Two Pence, and for a Horse, Two Pence.

Licences to
be obtained,
as by

C. 53. 1705.

III. *AND be it further Enacted, by the Authority aforesaid, That the Licences for Keeping the said Ferries, shall be obtained after such Manner, and the Keepers thereof be under such Regulations, Advantages, and Restrictions, as are mentioned, prescribed, and comprised, in and by one Act of Assembly, made in the Fourth Year of our late Sovereign Lady Queen Anne, intituled, An Act for the Regulation and Settlement of Ferries; and for the Dispatch of public Expresses.*

IV. **A N D**, for the Encouragement of the Keepers of the said Ferries, to provide convenient Boats, for the Transportation of Coaches, Carts, and Waggon,

Boats to be
kept for Tran-
sportation of
Wheel-Car-
riages.

V. *BE it Enacted, by the Authority aforesaid, That where Ferries are hereby established, it shall and may be lawful, to and for the Courts of the Counties wherein the said Ferries are kept, at any Time, when they shall find it necessary, for the Conveniency of Travellers, and Transportation of Goods and Merchandise, to direct and appoint proper Boats to be kept at the said Ferries, for the convenient Transportation of Coaches, Waggon, and other Wheel Carriages. And when such Boats shall be provided and kept,*

VI. *BE*

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VI. *BE it further Enacted*, That it shall and may be lawful, for the Keeper or Keepers of the said Ferries, to demand and take, for the Ferriage and Transportation of such Wheel Carriages, after the Rates following: That is to say, For every Coach, Chariot, or Chaise with Four Wheels, or Waggon, the same Rates as for the Ferriage of Six Horses: And for every Two Wheel Chaise, or Cart, the same Rate as for the Ferriage of Four Horses, and no more.

Rates.

C H A P. IX.

An Act for Raifing a Public Levy. E X P.

C H A P. 10. *An Act to make the Secretary of the Colony of Virginia, for the Time being, a Person capable in Law, to take and hold certain Lands therein mentioned, and to make Leases thereof.* Private Acts.

11. *An Act for erecting a Court-house in Spotsylvania County.*

12. *An Act for dividing the Parish of Saint Paul, in Hanover Connty.*

13. *An Act to prevent Swine running at large within the Limits of the Town of Gloucester.*

14. *An Act to confirm the Title of Richard Randolph, to certain entailed Lands; and to settle other Lands of greater Value, and Two Negro Slaves, to the same Uses.*

Confirmed,
by the King,
in Council.

Signed by HUGH DRYSDALE, Esq; Governor.

John Holloway, Speaker.

B b b

ANNO

A. D. 1727.

WILLIAM
Gooch, Esq;
Governor.

ANNO REGNI

GEORGGII II,

Regis *Magnæ Britannia, Franciæ, & Hiberniæ,*
Primo.

At a GENERAL ASSEMBLY, begun and held
at *Williamsburg*, the First Day of *February*,
in the First Year of the Reign of our Sove-
reign Lord GEORGE the Second, by the
Grace of God, of *Great-Britain, France, and*
Ireland, King, Defender of the Faith, &c.
and in the Year of our Lord, 1727.

CHAP. I.

Enacted,
with a suspen-
ding Clause,
and not assen-
ted to by His
Majesty.

*An Act for laying a Duty on Slaves imported; and for ap-
pointing a Treasurer.*

CHAP. II.

The same.

An Act for erecting a Light-House on Cape Henry.

CHAP.

A. D. 1727.

CHAPTER III.

An Act for preventing Delays in Courts of Justice; for expediting and better settling the Proceedings in the General Court; and for the more speedy and easy Recovery of small Debts; and for repealing an Act for obliging Attorneys, prosecuting Suits in Behalf of Persons out of the Country, to give Security for paying all Costs and Damages; and declaring in what Manner such Security shall be hereafter given.

I. ~~XXXXXXXXXX~~ **W** ~~XXXXXXXXXX~~ **H E R E A S** it hath been found by Experience, that the present Method of Proceedings in the several Courts of Justice within this Colony, is the Occasion of very great Delay in the determining of Suits commenced and prosecuted in the said Courts ; and the Laws now in Force for regulating and establishing the said Courts, have been found very defective: For Remedy whereof,

Preamble:

C. 19, 1705.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That all Original Proceſs, either by Writ, Summons, or any other Manner or Means, and all ſubſequent Proceſs thereupon, to bring any Perſon or Perſons whatſoever, to answer in any Action, Real, Perſonal, or Mixt, Suit, Information, Bill, or Complaint, in the General Court, and all Attachments awarded by the General Court, at Common Law, and all Sub-pœnas to answer in Chancery, which ſhall be ſued out from and after the Fifteenth Day of *April*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Twenty Eight, ſhall be returnable on the Firſt or Seventeenth Days of every General Court, and on no other Days or Times whatſoever: And all ſuch Writs and Proceſs, as aforeſaid, as thereafter ſhall be iſſued and made returnable, at any other Days or Times, than herein before directed for the Return thereof, ſhall be null and void: And all ſuch Writs and Proceſs ſhall bear Teſte by the Governor, or Commander in Chief, for the Time being, and be ſigned by the Clerk of the ſaid Court, and may be executed at any Time before the Day of the Return thereof: And if any Writ or Proceſs ſhall be executed ſo late, that the Sheriff hath not reaſonable Time to return the ſame before the Day of Appearance herein after-mentioned, and thereupon an *alias Capias, pluries Capias*, Attachment, or other Proceſs, ſhall be awarded, the Sheriff ſhall not execute ſuch ſubſequent Proceſs, but ſhall return the firſt Proceſs by him executed; and thereupon the Plaintiff ſhall declare and uſe the ſame Proceedings as herein after directed, and as if ſuch Writ or Proceſs had been returned to the Secretary's Office, on or before the Day of Appearance, after the Return thereof; any Law, Uſage, or Cuſtom to the contrary thereof, in any wiſe, notwithstanding.

After 15 April, 1728, all Proceſs in the General Court ſhall be returnable on the Firſt or Seventeenth Days of every General Court.

All Writts
shall bear
Teste by the
Governor, &
be signed by
the Clerk.
How to be
executed and
returned.

III. *AND be it further Enacted*, That from and after the said Fifteenth Day of *April*, when any Writ shall issue, whereby the Sheriff is commanded to take the Body of any Person or Persons to answer unto any Plaintiff or Plaintiffs in the General Court, in any Personal Action, and no Debt or Damage shall be mentioned in such Writ, or if Bail shall not be by Law requirable, in every or any such Case, the Sheriff of the County to whom any such Writ is or shall be directed, may take the Engagement of any known and reputable Attorney, under his Hand, indorsed upon the

Bail.

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Appearance.

faid Writ, that he will appear, or cause an Appearance to be entred, for the Defendant or Defendants within named, according to the Return of the said Writ: Which Appearance shall be entred with the Clerk of the Court, in the Secretary's Office, on the Fourth Day after the Return of the Process, on which any Defendant or Defendants shall be arrested: Which said Fourth Day after the Return of any Process, shall be accounted, deemed and taken, and is hereby declared to be the Day of Appearance thereto.

Attorney engaging to appear, & failing to enter an Appearance, the 4th Day after Return of the Writ, forfeits 50s. to the Plaintiff.

IV. *AND* if any Attorney, or other Person practising as an Attorney, engaging to appear, or cause an Appearance to be entred, as aforesaid, shall fail to enter, or cause the same to be entred, on the Fourth Day after the Return of the Process, on which the Defendant or Defendants shall be arrested, if not on a *Sunday*, and then the Day following; every Attorney, or other Person practising as an Attorney, so failing to enter, or cause an Appearance to be entred, as aforesaid, shall forfeit and pay to the Plaintiff or Plaintiffs, the Sum of Fifty Shillings Current Money; for which, Judgment shall be immediately entred, and the Plaintiff may take Execution thereupon, by *Capias ad Satisfaciendum*, or *Fieri Facias*.

Special Bail.

V. *AND be it further Enacted*, That upon executing any Process whereupon Bail shall be requirable, the Sheriff shall return therewith the Names of the Bail by him taken, as hath been heretofore accustomed to be done, to the Secretary's Office, before the Day of Appearance: And if the Sheriff shall not return Bail, or the Bail so returned shall be adjudged insufficient by the Court, or the Defendant shall fail to give special Bail, being ruled thereto by the Court, the Sheriff or Bail so returned, shall be subject to the same Judgment and Recovery, and have the same Relief and Remedy against the Defendant or Defendants, as the Law in that Case provides, and hath been heretofore accustomed.

Judgment against Defendant & Sheriff, or against Defendant & Bail, set aside by Appearance, & pleading to Issue, the first Day of the succeeding Court.

VI. *AND* if any Interlocutory or Final Judgment shall be obtained against any Defendant or Defendants and the Sheriff, or against any Defendant or Defendants and the Bail, by the said Sheriff returned as aforesaid, before any General Court next ensuing the Return of the Writ upon which such Defendant or Defendants is or shall be arrested; every such Judgment so entred or obtained, as aforesaid, shall be set aside, if the Defendant or Defendants, on the first Day of the General Court next ensuing the Return of the Writ upon which such Defendant or Defendants was or were arrested, shall be allowed to appear without Bail, or shall put in good Bail, and shall plead to Issue immediately.

Defendant in Custody, admitted to plead.

VII. *AND be it further Enacted*, That when any Sheriff shall return, that he hath taken the Body of any Defendant, and committed him to Prison for want of Bail, the Plaintiff may procede, and the Defendant shall be at Liberty to make Defence, as where an Appearance shall be entred and accepted; nevertheless, such Defendant shall not be discharged out of Custody, unless the Plaintiff shall be ruled to accept an Appearance at the next succeeding General Court, or by putting in good Bail.

Where Non est inventus shall be returned,

VIII. *AND* for the better ascertaining what Process shall or may be sued out, where the Sheriff shall return, that the Defendant is not to be found within his Balliwick,

The Plaintiff may sue out an Attachment against

IX. *BE it further Enacted*, That where any Sheriff shall make such Return, as aforesaid, the Plaintiff or Plaintiffs in any Civil Action, shall and may sue out an Attachment against the Estate of such Defendant, returnable as herein

herein before is directed, for the Returns of original and other subsequent Pro-
cess thereupon, to force an Appearance, or an *alias* or *pluries Capias*, if the
Defendant cannot be arrested upon the *alias Capias*; which *pluries Capias*
may be continued from Time to Time, 'till the Defendant shall be arrested;
at the Election of the Plaintiff or Plaintiffs. And if the Sheriff shall return
any Goods by him attached, the Plaintiff shall file his Declaration, and shall
be entitled to a Judgment for his whole Debt; and the Goods so attached,
shall remain in the Custody of the Sheriff, 'till such Judgment obtained, and
then be sold and disposed of in the same Manner as Goods taken in Execu-
tion upon a Writ of *Fieri Facias*: And if the Judgment shall not be satis-
fied by the Goods attached, the Plaintiff may have an Execution for the Re-
sidue.

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the Defen-
dant's Estate.
Or *alias* &
pluries Capias.
Proceedings
upon Attach-
ments.

X. *PROVIDED* always, That the Goods so attached, shall and may
be replevied by Appearance, or putting in Bail, if the Defendant shall be
ruled to give special Bail, by the Court.

Estate at-
tached may
be replevied,
by appear-
ance or Bail.

XI. *AND* be it further Enacted, That where any Plaintiff will procede
to the Outlawry of any Defendant, in any Civil Action, he may, upon the
pluries Capias, or *Capias ad Satisfaciendum*, return'd *Non est inventus*, sue
out, and the Clerk of the General Court is hereby impowered and required,
upon Request, to issue an *Exigent* and Proclamation, returnable upon either
of the Return Days aforesaid; to the End, that such Defendant may be out-
lawed thereupon.

Process of
Outlawry.

XII. *AND* for a more speedy Determination of all Causes depending in
the General Court, than can possibly be obtained by the Rules heretofore
established, and now in Practice, *Be it Enacted, by the Authority aforesaid*,
That from and after the said Fifteenth Day of *April*, these following Rules
and Methods shall be observed: (*To wit,*)

T H A T in all Personal Actions, the Plaintiff shall file his Declaration
within Four Days after the Defendant shall have entred his Appearance with
the Clerk, in the Secretary's Office; and if the Plaintiff shall fail or neglect
so to do, he shall be Nonsuit.

Rules in Per-
sonal Actions.

AND when the Defendant has entred his Appearance, and the Plaintiff
files his Declaration, he may give a Rule to plead, with the Clerk of the
General Court, in the Secretary's Office, which shall be out in One Calen-
der Month after the End of the Court to which the Process whereto such
Appearance shall be entred, was returnable: And if the Plaintiff shall file his
Declaration, but give no Rule to plead, the Defendant may, upon the Day
on which the Rule would have been out, if regularly given, file his Plea,
and give a Rule to reply.

Appearance.

T H A T all Rules to plead, reply, rejoin, or, for further or other Pro-
ceedings, shall be given regularly from Month to Month, after the first Rule
for Pleading is expired, and shall not be given to be out in less Time than
herein before mentioned, for Rules to plead: Nor shall any Rule be given
between Month and Month; but such Rules shall be given, as herein before
is directed; to the Intent, that all Attornies, and other Persons, by inspec-
ting the Rule-Book, to be kept by the Clerk of the General Court, in the
Secretary's Office, for that Purpose, may be the more certainly and readily
informed what Proceedings have been or are to be, in the several Causes there
depending.

Rules for
Pleading.

T H A T

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Nonfuit, &c.

THAT no Nonfuit, Judgment by *Nilil dicit*, or Interlocutory or Final Judgment, shall be entred upon the Expiration of any Rule given, as aforesaid, unless the Attorney entring such Nonfuit, Interlocutory or Final Judgment, shall have called upon the Attorney on the other Side (if any Attorney be entred) Two Days at least before the entring such Nonfuit or Judgment, and given him Notice of the Expiration of the Rule, if the Attorney on the other Side, at the Time of the Expiration of any Rule, shall live or reside in the City of *Williamsburg*.

Writ of Enquiry.

THAT upon the Expiration of any Rule, and Notice be given as aforesaid, (where the same is required,) Judgment by Default, or a Nonfuit shall be signed by the Clerk in the Office, as of the preceeding Court: Which Judgment shall be Final in Actions of Debt, where the Debt is certain; and in other Actions, a Writ of Enquiry shall be executed the next Court after Judgment shall be signed in the Office; the Plaintiff's Attorney giving the Defendant, or his Attorney, Six Days Notice of the Execution thereof, if the Defendant lives within Twenty Miles of the City of *Williamsburg*, and if more than that Distance, Twelve Days Notice.

Trials.

Notice.

THAT no Issue shall be tried the next succeeding General Court after it is joined, unless Ten Days Notice be given by the Plaintiff's Attorney, to the Defendant, or his Attorney, before the Day of Trial, if the Defendant lives within Twenty Miles of the City of *Williamsburg*; but if he lives at a greater Distance, then Twenty Days Notice shall be given.

IF an Issue be not tried, or a Writ of Enquiry executed, the next Court after it is joined, or Judgment by *Nilil dicit*, or Interlocutory Judgment entred, no Notice of Trial, or executing such Writ, need to be given; but such Causes shall be called in the same Order as they stand on the Clerk's Docket.

Judgment out of Court, and Lawyer's Fee.

THAT when any Final Judgment shall be obtained out of Court, the Clerk shall allow a Lawyer's Fee in the Bill of Costs, if the Plaintiff employed one; which said Fee is hereby declared, in all Cases in the General Court, to be Fifty Shillings Current Money, or Five Hundred Pounds of Tobacco, at the Election of the Party adjudged to pay the same.

Docketing of Causes.

THAT the Clerk, before every General Court, shall enter in a particular Docket for that Purpose, all such Causes; and those only in which any Issue is to be tried, Writ of Enquiry to be executed, Special Verdict or Demurrer to be argued; and all Causes set down for Hearing or Argument in Chancery, in the same Order as they stood in Course of Proceedings; setting, as near as may be, an equal Number of such Causes to each Day.

Special Verdict.

Continuance.

THAT where a special Verdict shall be found, Time shall be allowed, upon the Motion of either Party, to the same Day in the next General Court to which it stood that Court in which the Verdict shall be found, to argue it. And if any Causes shall, at the End of the General Court, remain undetermined, they shall be continued of Course, by the Clerk, to the same Day in the succeeding Court to which they were set down at that Court, without calling the same in Court.

Records.

THAT for the more entire and better Preservation of the Records of the Court, when any Cause shall be finally determined, the Clerk shall enter all the Pleadings therein, and other Matters relating thereto together, in a Book to be kept for that Purpose; so that an entire and perfect Record may be made thereof.

THAT

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T H A T all Witnesses attending the General Court, shall not ask or claim any Allowance for their Attendance, in the Court, but shall require an Allowance thereof by the Clerk, in the Office; unless the said Clerk shall refuse to allow such Claim; and then any Witness shall be at Liberty to apply to the Court for an Allowance thereof.

Witnesses.

XIII. A N D forasmuch as Appeals have been heretofore too frequently allowed, and Superfedeas granted, under Pretence of correcting the Errors of inferior Courts, where the Matter in Dispute hath been of small and inconsiderable Value, to the great Trouble and Vexation of His Majesty's Subjects: For Remedy whereof for the future,

Appeals and Superfedeas,

XIV. B E it Enacted, by the Authority aforesaid, That no Appeal shall be allowed, or Superfedeas granted, for reversing any Judgment or Decree given in any inferior Court of Record, or Court of Chancery, within this Dominion, in any Action or Suit whatsoever, where the Debt or Damage, or other Matter recovered in such Action or Suit, exclusive of the Costs, shall not exceed Five Pounds Current Money, or One Thousand Pounds of Tobacco, or the Value thereof; unless, in such Suit, the Title or Bounds of Lands shall be drawn in Question.

Not grantable, where the Debt or Damage does not exceed 5*l.* or 1000*l.* Tobacco.

XV. A N D for settling the Method of, and expediting Proceedings in the General Court, in Chancery,

Chancery.

XVI. B E it also Enacted, That in all Suits in the General Court, in Chancery, which shall be commenced from and after the said Fifteenth Day of *April*, the following Rules and Methods shall be put in Practice, and observed: (*To wit,*)

Rules.

T H A T the Complainant shall file his Bill within Four Days after the Return Day of the Subpœna to answer.

Bill.

T H A T upon the Complainant's dismissing his Bill, or the Defendant dismissing the same for Want of Prosecution, the Complainant shall pay Costs, to be taxed by the Clerk of the Court, with a Lawyer's Fee; for which Costs, a Subpœna, or other Process of Contempt may issue, returnable on any Return Day; Provided, there be a Month's Time between the suing out such Process, and the Day of Return thereof,

Costs.

T H E Complainant may amend his Bill before the Defendant appears, or in a small Matter afterwards, without paying Costs: But if he amend after Appearance, and in a material Point, whereby the Defendant shall be put to any extraordinary Costs, such Costs shall be paid, before the Complainant shall be at Liberty to amend his Bill.

Amending.

I F any Defendant shall stand out all Processes of Contempt, or, being brought into Court upon any such Process, shall obstinately refuse to answer the Complainant's Bill, the Complainant's Bill shall be taken *pro Confesso*; and the Matter thereof decreed accordingly.

Contempt.

T H E Defendant shall put in his Answer, to be filed with the Clerk in the Office, within Two Months after his Appearance; at the Expiration of which Time, if no Answer shall be put in, the Clerk, upon Request, shall issue an Attachment, returnable to the next Court: And if no Answer shall be put in upon the Return of the Attachment, such further Process of Contempt

Answer.

A. D. 1727. tempt may issue, as is issuable out of the High Court of Chancery in *England*, in like Cases.

Subpœna. NO Process of Contempt shall issue, without Oath made of the Service of the Subpœna, unless the same shall be returned served, by a sworn Officer.

Costs. WHEN any Defendant shall be in Contempt for want of an Answer, after the first Attachment, his Answer shall not be received, but upon Payment of Costs; and until he shall put in his Answer, and pay Costs, the Complainant shall be at Liberty to proceed against him for Contempt.

Double Costs. IF any Defendant shall stand out further Process of Contempt than an Attachment, before he puts in his Answer, on every Process subsequent thereto, the Costs shall be doubled.

Appearance. THAT the Day of Appearance, upon any Subpœna, to answer any Suit in the General Court, in Chancery, shall be on the Fourth Day after the Return Day therein mentioned, in like Manner as is herein before provided, for entering Appearances on Process to enforce an Appearance at Common Law.

Defendant may swear his Answer before a Magistrate. Cross Bill. EVERY Defendant shall be at Liberty to swear his Answer before any Judge or Justice of the General Court, or before any Justice of the Peace.

WHEN any Cross Bill shall be preferred, the Defendant or Defendants in the first Bill, shall answer thereto, before the Defendant or Defendants in the second Bill shall be compellable to put in his or their Answer to such Cross Bill.

Replication. THE Complainant shall reply, or file Exceptions within Two Months after the Defendant's putting in his Answer: And if the Complainant, at the Expiration of that Time, shall neither reply, or file Exceptions, the Defendant may give the Complainant a Rule to reply, with the Clerk of the Court, in the Secretary's Office; which being expired, and no Replication or Exceptions filed, the Suit shall be dismissed, with Costs, and a Lawyer's Fee.

IF any Bill shall be dismissed for want of a Replication, or other Proceedings, the Court, if they see Cause, may order the same to be retained, upon a Motion and Payment of Costs.

Insufficient Answer.

IF the Complainant's Attorney shall give Notice to the Defendant's Attorney, that he doth except against the Answer of any Defendant or Defendants, as insufficient, and give a Rule with the Clerk in the Office, to make a better Answer within Two Months; if, before the Expiration of such Rule, the Defendant shall put in a sufficient Answer, the same shall be received, without Costs: But if the Attorney of such Defendant or Defendants insists on the Sufficiency of the Answer so put in, and shall neglect or refuse to put in a sufficient Answer, or shall put in another insufficient Answer, the Plaintiff may file his Exceptions within a Month thereafter, to any such insufficient Answer; and may also set down such Exceptions, to be argued the next succeeding General Court, giving the Defendant, or his Attorney, Ten Days Notice before the Day of Argument: And after Exceptions filed, or any Second insufficient Answer put in, no further or other Answer shall be received, but upon Payment of Costs.

Exceptions over-ruled, or Answer adjudged insuf-

AND if, upon Argument, the Complainant's Exceptions shall be over-ruled, or the Defendant's Answer adjudged insufficient, the Complainant shall pay

pay to the Defendant, or the Defendant to the Complainant, as the Case shall be, such Costs as shall be allowed by the Court.

A. D. 1727.
 insufficient, Costs
per Curiam.

T H A T upon every Second or Third Answer adjudged insufficient, Costs shall be doubled.

2d or 3d in-
 sufficient An-
 swer, Costs
 doubled.

I F any Defendant shall put in a Fourth insufficient Answer, which shall be so adjudged, such Defendant shall be examined upon Interrogatories, and committed 'till he shall perfectly answer those Interrogatories, and pay Costs.

4th insuffi-
 cient Answer,
 Defendant to
 answer Inter-
 rogatories.

U P O N adjudging any Answer insufficient, the Complainant may have one Subpœna for Costs, and another to make a better Answer; or one Subpœna for Costs, and to make a better Answer, at his Election.

Subpœna.

I F the Defendant, after Process of Contempt, put in an insufficient Answer, which shall be so adjudged, the Complainant shall not be obliged to take out a new Subpœna, but may go on to the Attachment, with Proclamation and other Process of Contempt, as if no Answer had been put in.

Process of
 Contempt.

T H A T Rules to plead, reply, rejoin, and for further Proceedings, when necessary, shall be given from Month to Month, as is herein before directed for Rules to be given in Proceedings at Common Law.

Rules for
 Pleadings.

W H E R E the Complainant conceives sufficient Matter to be confessed, by the Defendant's Answer, he may set down the Cause for, and procede to a Hearing, giving the Defendant, or his Attorney, such Notice as is required for Trial of Issues at Common Law.

Hearing.

N O Defendant shall be admitted to put in a Rejoinder, unless it be filed within Four Days after the Expiration of the Rule to rejoin; but the Complainant may procede to the Examination of Witnesses.

Rejoinder.

N O Rule to rejoin shall be given, before a Replication shall be filed.

Replication.

A F T E R an Attachment, with Proclamation, returned, no Plea or Demurrer shall be received, unless by Order of Court, upon a Motion.

Plea or De-
 murrer.

I F the Complainant conceives any Plea or Demurrer to be naught, either for the Matter or Manner of it, he may set it down, with the Clerk, to be argued; or if he thinks the Plea good, but not true, he may take Issue upon it, and procede to Proofs, giving such Notice of Hearing as aforesaid; and if such Plea shall be adjudged false, the Complainant shall have the same Advantage, as if the same Plea were found false by Verdict at Common Law.

Issues.

I F a Plea be pleaded, or Demurrer put in, and over-ruled, no other Plea or Demurrer shall thereafter be received; but the Defendant shall answer the Allegations of the Bill.

Plea or De-
 murrer over-
 ruled.

T H E Complainant, a Month after a Plea or Demurrer put in, may cause the same to be set down, to be argued: But if the Complainant shall not procede to have the same set down to be argued, before the Second Court after such Plea or Demurrer put in, the Bill may be dismissed of Course, with Costs and a Lawyer's Fee.

Argument.

T H E same Notice shall be given, of Arguing a Plea or Demurrer, as of Hearing, in other Cases.

Notice.

C c c

U P O N

A. D. 1727.

Costs.

UPON a Plea or Demurrer, argued and over-ruled, Costs shall be paid, as where an Answer shall be adjudged insufficient; and the Defendant shall answer within Two Months after; but if adjudged good, the Defendant to have his Costs.

Refusal to answer.

IF any Defendant shall obstinately insist on a Demurrer, and refuseth to answer, where the Court shall be of Opinion that sufficient Matter is alledged in the Bill to oblige him to answer, and for the Court to procede upon, the Bill shall be taken *pro Confesso*, and the Matter thereof decreed.

Dedimus.

COMMISSIONS to examine Witnesses, may be issued of CouÑse, by the Clerk of the Court, at any Time.

AFTER any Bill filed, and before the Defendant puts in his Answer, upon Oath made, that any of the Complainant's Witnesses are aged and infirm, or going beyond Sea, whereby the Complainant thinks he is in Danger of losing the Benefit of their Testimony, the Clerk may issue a *Dedimus*, to take the Examinations of such Witnesses, *de bene esse*, giving Notice so as to be vaild, if the Complainant has not an Opportunity to take their Examinations in the ordinary Course of Proceedings.

Delay of Hearing.

WHEN any Cause shall be at Issue, and the Examination of Witnesses returned; if the Complainant shall not, within a Month thereafter, set down the Cause for Hearing, with the Clerk, in the Secretary's Office, the Defendant may have the Cause set down at his Request, and bring on the Cause to Hearing, giving the Complainant, or his Attorney, such Notice as is herein before directed; any former or other Law, Rule, or Custom, to the contrary hereof, in any-wise, notwithstanding.

Allowance for Witnesses.

XVII. AND whereas, some Doubt hath heretofore been, Whether any, and what Allowance was settled by Law, for Witnesses attending the County Court, and inhabiting within the same County? For settling the same for the future,

Witnesses at County Courts inhabiting the County, 30^{lb}. Tobacco per Day.

XVIII. BE it further Enacted, by the Authority aforesaid, That every Person summoned to appear as a Witness at any County Court, and being an Inhabitant of the same County, shall be paid by the Person or Persons, at whose Suit the Summons issued, Thirty Pounds of Tobacco per Day, for every Day's Attendance upon such Summons.

County Court Clerk to issue Summons for Witnesses, on Surveys of Land.

XIX. AND be it further Enacted, by the Authority aforesaid, That the Clerk of every County Court shall and may, and is hereby authorized and impowered, to issue one or more Summons or Summonses, for any Person or Persons, to attend as Witnesses upon any Survey of Land, which shall be ordered to be made by the County Court. And if any Witness or Witnesses shall be an Inhabitant of another County, the Clerk of the same Court is hereby authorized and impowered, to issue one or more Summons or Summonses, into any other County or Counties where such Witness or Witnesses is or are an Inhabitant or Inhabitants, or most usually Resident: Which Summons or Summonses so to be issued, may be directed to the Sheriff or Coroner of that County whereof or wherein such Witness or Witnesses is or are an Inhabitant or Inhabitants, or most usually Resident.

Witness failing to attend, forfeits 30^{lb}. Tobacco.

XX. AND if any Person summoned to attend as a Witness at any County Court shall fail to attend accordingly; every Person so failing, shall forfeit

forfeit and pay, to the Person or Persons, at whose Suit the Summons issued, Three Hundred and Fifty Pounds of Tobocco; and shall be further liable to an Action on the Case, for what Damages such Person shall sustain for want of such Witness's Testimony.

A. D. 1727.

And liable
to further Da-
mages.

XXI. *PROVIDED* always, That if sufficient Cause be shewn by the Person so summoned and failing to appear, of his or her Incapacity to attend at the Time he or she ought to have appeared, then no Forfeiture or Penalty shall be incurred by such Failure; but if sufficient Cause be not shewn at the next succeeding Court after such Failure, it shall and may be lawful for the said Court, upon the Motion of the Party for whom such Witness was summoned, to grant Judgment for the Forfeiture afore-mentioned, against the Person or Persons so summoned and failing to appear, as aforesaid.

Provido, no
Forfeiture, if
sufficient
Cause of Non-
Appearance
be shewn.

But if such
Cause be not
shewn at the
next Court,
Judgment for
the Penalty.

XXII. *AND* be it also Enacted and Declared, That when any Justice shall have given Judgment in any Matter cognizable before him, he shall and may, and is hereby declared to have full Power and Authority, to issue an Execution upon such Judgment; which may be directed to the Sheriff or Constable. And upon Complaint that any Person, indebted to the Complainant, in any less Sum than Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco, is removing himself out of the County privately, or hath absconded, and conceals himself, so that a Warrant cannot be served upon him, it shall and may be lawful, to and for any Justice of the Peace, taking Bond and Security, as is directed by the Act of Assembly, *For establishing County Courts, and for regulating and settling the Proceedings therein*, to grant an Attachment against the Estate of such Debtor, or to much thereof as shall be of Value sufficient to satisfy the Debt of the Party praying such Attachment, returnable before himself, or any other Justice of the Peace of the County, who shall and may procede thereupon, as upon an Attachment returnable to the County Court.

Justice of the
Peace may is-
sue Execution
in Matters
cognizable
before him.

And grant
Attachments
for less than
20 s. *Sterling*,
or 200 lb. To-
bacco.

C. 11. 1710.

XXIII. *AND* if any Attachment, returnable to the County Court, or before a Justice of the Peace, shall be returned executed, and the Goods attached shall not be replevied, as the Law directs, the Plaintiff shall have Judgment for his whole Debt, and may take Execution thereupon: And all Goods taken upon an Attachment awarded by the County Court, or by any Justice of the Peace, and not replevied, as herein before is mentioned, shall be sold and disposed of, for and towards Satisfaction of the Plaintiff's Judgment, in the same Manner as Goods taken in Execution, upon a Writ of *Fieri Facias*.

Attachment
not replevied,
Plaintiff to
have Judg-
ment.

Ch. 3. 1726.
Goods at-
tached, & not
replevied,
shall be sold,
as Goods tak-
en in Execu-
tion by *Fieri
Facias*.

XXIV. *AND* for the further Prevention of Delay, Trouble, and Vexation, by arresting and reversing Judgments given in the several Courts of Justice within this Colony,

Arrest of
Judgments

XXV. *BE* it further Enacted, That the several Acts of Parliament heretofore made, and commonly called Statutes of Jeofails, and now in Force and Use in *England*, shall be and are hereby declared to be, for so much of the said Statutes as relates to any Mispleading, Jeofail, and Amendment, in full Force in this Dominion also.

Statutes of
Jeofails de-
clared in
Force.

XXVI. *AND* for the more speedy Recovery of small Debts, in the several County Courts of this Dominion,

A. D. 1727.

Method of
recovering
small Debts.

XXVII. *BE it further Enacted*, That from and after the said Fifteenth Day of *April*, it shall and may be lawful, to and for the Justices of any County Court, to hear and determine all Suits thereafter to be brought, for any Debt or Demand, due by Judgment, Obligation, or Account, for any Sum or Sums of Money, or Tobacco, of the Value of Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco, and not exceeding the Sum of Five Pounds Current Money, or One Thousand Pounds of Tobacco, by Petition. And the said Justices are hereby authorized and required, and shall have full Power and Authority so to do, and to award Execution thereupon; and that, upon filing any such Petition in the Clerk's Office, a Summons of Course shall be issued, under the Hand of the Clerk, returnable to the next Court; which, together with the Copy of the Petition, shall be delivered to the Defendant, and the same being so delivered, or left at the usual Place of his Abode or Residence, Ten Days before the next succeeding Court, and Oath made of the due Service thereof, if the Defendant do not, or shall not then appear, it shall and may be lawful to and for the said Justices to hear and examine into the Truth of the Matter complained of, and to determine the Cause upon the Evidence produced, or to dismiss the Petition, as to them shall seem just. And if the Defendant shall appear upon any such Summons, he shall put in such Answer or Plea thereto, as will bring the Matter of the Complaint in Issue: And thereupon, or if he shall fail to plead, the said Justices shall instantly procede to hear and determine the Cause, in a summary Way, upon such Evidence as shall be given, and shall give Judgment according as the very Right of the Cause and Matter in Law shall appear unto them, without Regard to Form, or want of Form, in the Process, Petition, or Course of Proceedings; so as sufficient Matter be set forth, whereupon the Court may give Judgment, according to the very Right of the Cause: In which Proceedings, the Defendant shall have the Benefit of all Matters in his Defence, that he might have had, if he had been sued in the ordinary Forms of Law.

Witnesses.

XXVIII. *AND be it further Enacted*, That the Clerk of every County Court, shall and may issue Summonses for Witnesses to attend the Trial of any such Petition; who shall be paid for Attendance, and be subject to the same Forfeiture, on Failure to appear and attend the Trial, as herein before is mentioned and expressed.

Attorneys for
Persons out of
this Colony, to
give Security
at their first
Appearance,
or when there-
to required,
for Payment of
Costs & Da-
mages.

XXIX. *AND be it further Enacted*, That from and after the Commencement of this Act, when any Process shall be sued forth, or any Suit either in Law or Equity shall be commenced and prosecuted in any Court, or before any Judge or Magistrate within this Colony, by Virtue of any Letter or Warrant of Attorney, or Letter or Warrant of Substitution, or by Virtue of any other Deputation or Power, from any Person or Persons residing in other Parts than within this Colony, against any Person or Persons inhabiting within this Colony; such Person so suing forth such Process, or commencing or prosecuting any Suit, at his or their first Appearance, or at any Time thereafter, when thereunto required, shall give good and sufficient Security with the Clerk of the General Court, or in the Court of the County, or other Court, where such Process shall be sued out, or Suit depending, to satisfy and pay to the Party prosecuted, all such Damages, Costs, and Charges, as upon the same Suit shall be awarded to him, her, or them, by the Court, Judge, or Magistrate, before whom the Suit shall be heard and determined: And if such Person or Persons shall fail to give such Security, being thereunto required, the Suit shall thereupon abate, and the Party prosecuted shall be thence dismissed, without Day. And that one Act of a General Assembly of
this

On Failure
of giving such
Security, Suit
abates.

this Colony, intituled, *An Act for Attorneys prosecuting Suits on Behalf of Persons out of the Country, to give Security for Paiment of such Costs and Damages as shall be awarded against them*, is and shall be from henceforth hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

A. D. 1727.
Repeal of
Ch. 36. 1705.

XXX. *AND be it further Enacted, by the Authority aforesaid, That this Act shall be in Force from the said Fifteenth Day of April, One Thousand Seven Hundred and Twenty Eight, for and during the Space of Four Years then next ensuing, and from thence to the End of the next Session of Assembly.*

This Act to be in Force, to 15 April, 1732, & from thence to the End of the next Session of Assembly.

C H A P. IV.

An Act for the better and more effectual improving the Staple of Tobacco. R E P.

Repealed,
Ch. 1. 1730.

C H A P. V.

An Act for making more effectual Provision against Invasions and Insurrections.

I. **W**HHEREAS the Frontiers of this Dominion, being of great Extent, are exposed to the Invasions of Foreign Enemies, by Sea, and Incurfions of *Indians* at Land, and great Dangers may likewise happen by the Insurrections of *Negros*, and Others; for all which, the Militia, now settled by Law, is the most ready Defence. And forasmuch, as the Militia of those Counties, where any of the Dangers aforesaid shall arise, must necessarily be first employed, and may, by the Divine Assistance, be able to suppress and repel such Insurrections and Invasions, without obliging That of the other Counties to be raised: And it being reasonable, that such Services as shall be performed by any Part of the said Militia, be rewarded at the Public Charge,

Preamble.

9 Geo. 1.
Cap. 2.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That upon any Invasion of an Enemy by Sea or Land, or upon any Insurrection, the Governor, or Commander in Chief of this Dominion, for the Time being, have full Power and Authority to levy, raise, arm, and muster, such a Number of Forces, out of the Militia of this Colony, as shall be thought needful for repelling the Invasion, or suppressing the Insurrection, or other Danger, and the same to lead, conduct, march, transport and employ, or by his Lieutenants, Commanders, or other Officers, by him to be commissioned, to cause to be led, conducted, marched, transported, and employed, as well within the several Counties and Places to which they belong, as into any other the Counties and Places within this Dominion, for the suppressing of all such Insurrections, and repelling of all such Invasions by Sea or Land; and such Forces again to discharge and disband, as the Cause of Danger ceases, for which they were so raised.*

Upon any Invasion or Insurrection, the Governor may raise the Militia.

And march the same to any Place within this Dominion.

And disband.

III. *AND*

A. D. 1727.

On Notice of any Insurrection, &c. Officer to raise the Militia under his Command, & send Intelligence to the chief Commander in his County, & to the next Officer, and keep his Militia under Arms 'til further Orders.

County-Lieutenant to dispatch an Express to the Governor, and may impress Boats, Men, &c. for Dispatch, and shall draw together the Militia of his County.

Chief Officers may, by Warrant under Hand and Seal, impress Provisions, Sloops, and Boats, for Transports, Waggon, &c. for Land-Carriage, Tools, and Instruments, for Military Service, and also Sailors, Gunners, & other Artificers.

Appraisement to be made, of Provisions, Tools, &c. impressed, and of Boats, Sloops, Carts, &c. with their Appurtenances, and an Estimate of Allowance per Diem.

Person impressing shall cause such Appraisement and Estimate to be made, and give a Receipt to the Owner.

III. *AND be it further Enacted, by the Authority aforesaid, That every Officer of the Militia, to whom Notice shall be given of any Insurrection or Invasion, shall have full Power and Authority, by Virtue of this Act, and is hereby required, forthwith to raise the Militia under his Command, and to send immediate Intelligence to the County-Lieutenant, and in his Absence, to the chief Commanding Officer residing in the County, and to the next Militia Officer in the same County, informing them at the same Time in what Manner he intends to proceed; and shall, in the mean Time, keep the Militia, under his Command, under Arms, until he receives Orders from his superior Officer. And every County-Lieutenant, or chief Commanding Officer in any County, to whom such Intelligence shall be given of any Insurrection or Invasion, shall forthwith dispatch an Express to the Governor, or Commander in Chief of this Dominion, for the Time being, notifying the Danger; and shall therewith signify, in the best Manner he can, the Strength and Motions of the Enemy. And for that Purpose, such County-Lieutenant, or other Commanding Officer, hath hereby full Power to impress Boats and Hands, Men and Horses, as the Service may require, for the Dispatch of such Intelligence. And until Orders shall arrive from the Governor, shall draw together the Militia of his County, in such Place or Places, as he shall judge most convenient for opposing the Enemy.*

IV. *AND be it further Enacted, That upon Raising or Continuance of Forces, as aforesaid, it shall and may be lawful, by Warrant under the Hand and Seal of any County-Lieutenant, Colonel, Lieutenant-Colonel, or Major, commanding any Part of the same, to impress and take up necessary Provisions, of and from any Person or Persons, and to impress and take up Sloops and Boats necessary for the Transportation of Forces over Rivers and Creeks, or the main Bay of Chesapeake, together with the Rigging, Tackle, Furniture, and Apparel belonging thereunto; and also all Manner of Carts, Waggon, Draught Horses or Oxen, or other Conveniences, for the Land-Carriage of Provisions, great Guns, Arms, and Ammunition, from Place to Place; and likewise to impress and take up any Manner of Utensils, Tools, or Instruments, which shall or may be wanted for digging or intrenching, or towards the mounting the great Guns, and making them useful: And further, that it shall and may be lawful, by Warrant as aforesaid, to impress able and fit Men to go in Sloops and Boats; and also to impress any Smith, Wheelwright, Carpenter, or other Artificer what soever, which shall be thought useful for the fixing of Arms, and making of Carriages for great Guns, or for doing any other Work whatsoever, where Need shall be of such Artificer.*

V. *PROVIDED always, and be it Enacted, by the Authority aforesaid, That it shall not be lawful to make Use of any Provisions, Utensils, Tools, or Instruments, impressed and taken up, as aforesaid, until Appraisement hath been made thereof, in Tobacco, by Two good and lawful Men, upon Oath; nor of any Boat or Sloop, Cart, Waggon, Horses or Oxen, until Appraisement hath been made of the same, as aforesaid, with the several Appurtenances belonging thereunto: And also an Estimate made by the same Men, of a suitable Allowance in Tobacco, by the Day, for the Use of the said Boat or Sloop, Cart or Waggon, with the Draught Horses or Oxen thereunto belonging. And every Person impressing or taking up any of the Particulars aforesaid, is hereby required to take Care that an Appraisement and Estimate be made, as aforesaid; and to give a Receipt to the Owner, of every Particular by him impressed and taken up; with an Account therein, how the same was appraised, and how estimated, and for what Use and Service impressed and taken up, upon Pain of being liable to the Action of the Party grieved, for an unlawful Seizure.*

VI. *AND*

VI. *AND* for the better Discovery of the Approach of Enemies by Sea,

A. D. 1727.
For Discovery of Enemies by Sea,

Look-outs appointed.

VII. *BE it Enacted*, That in each of the Counties of *Elizabeth-City*, *Princess-Anne*, and *Northampton*, at such Times and Places as the Governor, or Commander in Chief of this Dominion, shall think fit to direct, one Man be appointed by the Chief Officer of the Militia, residing in each of the said Counties, respectively: Which Men shall keep a constant Look-out to Seaward, by Night and by Day, and diligently observe the Courses and Motions of all such Ships or Vessels, as they, or either of them, shall discover upon the Coast: And if, upon such Observation, such Person shall suspect the said Ships or Vessels to belong to an Enemy, he shall immediately give Notice thereof, to the next Field Officer in his County; who is thereupon to transmit an Account thereof to the Governor, or Commander in Chief of this Dominion, for the Time being, and the County-Lieutenant, or to the Chief commanding Officer of the Militia in the said County.

Their Duty.

VIII. *AND be it further Enacted*, That there shall be raised, and paid by the Public, to the Officers and Soldiers which shall be drawn out into actual Service, by Virtue of this Act, and to the Look-outs which shall be appointed in the Manner aforesaid, after the Rates following, *viz.*

Officers and Soldiers in actual Service, to be paid by the Public.

A County-Lieutenant, or Commander in Chief, - -	Seventy	Pounds of Tobacco per Day.
A Colonel of Horse, - - - - -	Sixty	
A Lieutenant-Colonel of Horse, - - - - -	Fifty	
A Major of Horse, - - - - -	Fifty	
A Captain of Horse, - - - - -	Thirty	
A Lieutenant of Horse, - - - - -	Thirty	
A Cornet of Horse, - - - - -	Twenty-Five	
A Quarter-Master, - - - - -	Twenty-Five	
A Corporal, - - - - -	Twenty-Two	
A Trumpeter, - - - - -	Twenty-Two	
A Horseman, - - - - -	Twenty	
A Colonel of Foot, - - - - -	Fifty	
A Lieutenant-Colonel of Foot, - - - - -	Forty	
A Major of Foot, - - - - -	Forty	
A Captain of Foot, - - - - -	Thirty	
A Lieutenant of Foot, - - - - -	Twenty-Five	
An Ensign of Foot, - - - - -	Twenty	
A Sergeant of Foot, - - - - -	Eighteen	
A Drummer, - - - - -	Eighteen	
A Foot Soldier, - - - - -	Fifteen	
A Look-out, after the Rate of Two Hundred Pounds of Tobacco per Month.		

Rates of Pay.

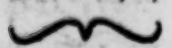
IX. *PROVIDED* always, and it is the true Intent and Meaning of this Act, That for the Pay and Allowance given by this Act, as aforesaid, every Horseman shall find and provide himself with a Horse and Horse Furniture, Arms, and Ammunition; and every Foot Soldier shall find and provide himself with a Foot Soldier's Arms, and Ammunition.

Horse and Foot to provide themselves with Horses, Accoutrements, Arms, & Ammunition.

X. *PROVIDED* also, That whensoever any Part of the Militia, raised by Virtue of this Act, shall be discharged again, within Two Days, no Pay or Allowance shall be given for the same, but every Man shall bear his own Charge: And that when any Part of the Militia raised, as aforesaid, shall be kept in Service above Two Days, the same shall be paid and allowed for the whole

Provido, If the Militia raised, is again discharged in 2 Days, no Pay shall be allowed.

A. D. 1727.



whole Time of Service, according to the Rates directed by this Act; any thing in this Act before contained to the contrary thereof, in any-wise, notwithstanding.

Rates of Pay
for Artificers
and Sailors.

XI. *AND be it further Enacted*, That every Smith, Wheelwright, Carpenter, or other Artificer, impressed by Virtue of this Act, and employed about fixing of Arms, making of Carriages for great Guns, or other Work requiring an Artificer, shall be paid and allowed by the Public, after the Rates following, *viz.* Every Smith, Fifty Pounds of Tobacco per Day; and every Carpenter, Wheelwright, or other Artificer, impressed as aforesaid, Forty Pounds of Tobacco per Day; and that every Man impressed as aforesaid, to go in a Sloop or Boat, shall be paid and allowed by the Public, Fifteen Pounds of Tobacco per Day.

Messengers
to be paid, as
Public Ex-
presses,
4 Ann. C. 54.

XII. *PROVIDED always, and it is the true Intent and Meaning of this Act*, That for any Message sent, according to the Directions of this Act, either by Land or Water, Allowance shall be made for carrying the same, as the Law directs for other Expresses, and not otherwise; any thing in this Act to the contrary, notwithstanding.

Provisions,
Tools, &c. to
be paid for,
at the Rate
appraised.

XIII. *AND be it further Enacted*, That the Owner or Owners of any Provisions, Utensils, Tools or Instruments, impressed and taken up, by Virtue of this Act, shall be paid and satisfied for the same by the Public, according to the respective Values thereof, by the Appraisement made, in Pursuance of this Act.

Use of Boats,
Waggons, &c.
to be paid for,
as estimated.

And if lost or
destroyed, as
appraised, &
half Pay for
the Use.

XIV. *AND be it further Enacted*, That the Owner or Owners of any Boat or Sloop, Cart or Waggon, with Horses or Oxen, impressed, taken up, and employed, by Virtue and according to the Directions of this Act, shall be allowed and paid by the Public, for the Use of the same, according to the Estimate made, in Pursuance of this Act: And in Case, such Sloop or Boat be cast away or lost, or any Cart, Waggon, Draught Horse, or Ox, destroyed or killed in the Service, then the Owner or Owners thereof, shall be paid for the same, according to the Appraisement made, in Pursuance of this Act, and half the Pay for the Use.

If damaged
or disabled,
Satisfaction
for the Da-
mage, & Pay
for the Use.

XV. *AND be it further Enacted*, That if any Boat or Sloop, Cart or Waggon, impressed, taken up, or employed, by Virtue and according to the Directions of this Act, be damaged, or any Horse or Ox hurt or disabled in the Service, then Satisfaction shall be made to the Owner or Owners thereof, according to the Damage received, besides the Pay for the Use.

Damage to
be found by
2 indifferent
Men, upon
Oath, to be ap-
pointed by a
Justice of
Peace.

XVI. *PROVIDED always, and it is hereby meant and intended*, That all such Damage shall be inquired and found, by Two indifferent Persons, upon Oath, to be chosen and appointed by any Justice of the Peace within the said County where the said Sloop or Boat, Cart or Waggon, so damaged, or Horse or Ox hurt or disabled, shall happen to be.

For prevent-
ing unlawful
Concourse of
Negros on
Public Festi-
vals,

XVII. *AND* whereas, great Danger may happen to the Inhabitants of this Dominion, from the unlawful Concourse of Negros, during the *Christmas, Easter, and Whitsuntide* Holidays, wherein they are usually exempted from Labour;

Commanding
Officer of the
Militia, may
draw out Par-
tiestopatrole.

XVIII. *BE it Enacted, by the Authority aforesaid*, That it shall and may be lawful, to and for the County-Lieutenant, or other Commanding Officer of the Militia, in any County within this Dominion, and he or they are hereby

hereby impowered, from Time to Time, as there shall be Occasion, to appoint and direct such and so many of the Militia of their respective Counties, to be drawn out, and to patrole in such Places as such Commanding Officer shall think fit to direct, and from Time to Time, to cause to be relieved by other Parties, for dispersing all unusual Concourse of Negros or other Slaves, and for preventing any dangerous Combinations which may be made amongst them at such Meetings: Which said Parties, so sent out to patrole, as aforesaid, shall have full Power and Authority to take up any Slaves which they shall find convened together, contrary to the Directions of an Act made at a General Assembly, held at the Capitol, the Ninth Day of May, One Thousand Seven Hundred and Twenty Three, intituled, *An Act directing the Trial of Slaves committing capital Crimes; and for the more effectual punishing Conspiracies and Insurrections of them; and for the better Government of Negros, Mulattos, and Indians, bond or free*: And such Slaves so taken up, to deliver to the next Constable, in order to be dealt with as the said Act directs. And if any Parties of the Militia be employed in this Service, for above the Space of Two Days at any one Time, such Militia shall be paid for all that Time they shall be so employed, according to the Rates herein before mentioned.

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Such Parties may apprehend any Slaves, convened contrary to Law. 9 Geo. 1. C. 4.

And deliver them to a Constable.

Militia employed in this Service above 2 Days at one Time, to be paid for the whole Time of Service.

For Guarding the Batteries,

XIX. AND, forasmuch as it is necessary, that a sufficient Number of Men be appointed, for Guarding the Batteries erected in the several Rivers, within this Dominion, and for assisting in the better managing the Great Guns there mounted, in Times of Danger,

XX. BE it Enacted, That it shall and may be lawful, to and for the Governor or Commander in Chief of this Dominion, for the Time being, to appoint and assign such a Number of the Militia, residing next to the several Batteries, respectively, as he shall think fit, to attend the said Batteries, under the Command of such Officer or Officers, and under such Order and Discipline, as the said Governor or Commander in Chief shall appoint and direct: Which said Militia, so assigned for the Service aforesaid, shall from thenceforth be exempted from all private Musters, except at the said Battery only; any Law, or Custom to the contrary, in any-wise, notwithstanding.

The Governor may appoint such Part of the neighbouring Militia as he thinks fit, to attend the Batteries.

Such Militia exempted from private Musters, except at the Batteries.

For preventing Imbezzlement of Arms delivered out of the Magazine,

XXI. AND, whereas it may be needful, in Time of Danger, to arm Part of of the Militia, not otherwise sufficiently provided, out of His Majesty's Magazine, and other Stores, within this Colony,

XXII. BE it Enacted, by the Authority aforesaid, That if any Person or Persons, so to be armed out of His Majesty's Stores, as aforesaid, shall detain or imbezzle any Arms, Accoutrements, or Ammunition, which shall be delivered to him for the Services aforesaid, when he shall be thereunto required, it shall and may be lawful, to and for the respective County-Lieutenants, or other chief Commanding Officer, residing in the said County, by Warrant under his or their Hands, respectively, to cause to be imprisoned such Person or Persons, 'till he or they have made Satisfaction for the Arms, Accoutrements, or Ammunition, so by him or them detained or imbezzled.

Persons detaining Arms, &c. shall be imprisoned, 'till Satisfaction made.

XXIII. AND be it further Enacted, by the Authority aforesaid, That this Act shall commence, and be in Force, from and after the passing thereof, for and during the Space of Five Years. And that one Act of Assembly, made in the Fourth Year of the Reign of our late Sovereign Lady, Queen Anne, intituled, *An Act for Security and Defence of the Country, in Times of Danger*; which, by another Act, made at a General Assembly, held at

This Act to continue in Force 5 Years.

Repeal of C. 32, 1705.

A. D. 1727.

Repeal of
Ch. 5, 1726.

the Capitol, the Twelfth Day of May, One Thousand Seven Hundred and Twenty Six, intituled, *An Act for Reviving and Continuing Two Acts of Assembly therein mentioned*, was continued and made in Force, until the Twelfth Day of May, in the Year of our Lord One Thousand Seven Hundred and Twenty Eight, be from henceforth Repealed, and made void, to all Intents, Constructions, and Purposes, as if the same had never been made.

C H A P. VI.

An Act for the better Support of the Clergy of this Dominion: And for the more regular Collecting and Paying the Parish Levies.

Preamble.

I. **W**HEREAS the Laws now in Force, for the Support of the Clergy, and for the appropriating Glebes, and building Houses for their Accommodation, by Reason of some Ambiguities therein, have occasioned divers Disputes and Controversies: And whereas also, since the Making the said Laws, divers Parishes within this Dominion, through the Increase of Inhabitants, and the Taking up of new Lands, are become of very large Extent; whereby the Tobacco levied for Defraying of Parish Charges, cannot be collected, and made convenient, for the Salary and Allowance heretofore settled and appointed: For Remediying whereof,

Every Minister shall receive, in his Parish, a Salary of 16000 lb. of Tobacco and Cask, per Annum.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That every Minister, now preferred, or hereafter to be preferred to, or received into any Parish, within this Dominion, shall have and receive an Annual Salary of Sixteen Thousand Pounds of Tobacco, of the Growth of such Parish, and Cask: To be levied, assessed, collected, and paid, in Manner herein after directed.

Vestries to meet before October 15th, annually, and lay the Parish Levy.

Public Notice thereof to be given.

10 per Cent. to be allowed for Convenience.

III. *AND be it further Enacted, by the Authority aforesaid*, That the Vestry of every Parish within this Dominion, shall, and they are hereby authorized and required, at some convenient Time before the Fifteenth Day of October, in each Year, to meet and lay the Parish Levy; of which public Notice shall be given by the Minister or Reader, at each Church or Chapel in the Parish: And that it shall and may be lawful, for every such Vestry or Vestries, and they are hereby required, to levy and assess upon the Tithable Persons in their respective Parishes, as well the Salary herein before appointed for the Minister, as all other the Parish Charges, together with the Allowance of Ten per Cent. for the Collecting and Bringing the same to some convenient Landing, from whence it may be shipped off.

In Parishes remote from Landings, Vestries may raise so much more as is necessary to make the Parish Tobacco convenient.

IV. *PROVIDED always*, That where any Parish shall be remote from a navigable River or Creek, where Tobacco is usually shipped off, or where the Limits of any Parish shall extend so far outwards from such navigable River, that the Tobacco levied for the Minister's Salary, and other Parish Charges, cannot be made convenient for the Allowance herein before mentioned; in such Case, it shall and may be lawful, to and for the Vestry or Vestries of every such Parish or Parishes, to raise and assess, upon the tithable Persons in the said Parishes, so much more Tobacco as they shall judge necessary, to bring such inconvenient Tobacco to such convenient Landing, as aforesaid.

V. *AND*

A. D. 1727.

V. *AND be it further Enacted, by the Authority aforesaid, That where any Tobacco is appointed, by this, or any other Act of Assembly, to be paid in Cask, or where any Vestry shall contract for Tobacco and Cask, for any Services done or to be done, for the Use and Benefit of the Parish, there shall be allowed Eight per Cent. for the Cask of all such Tobacco. And the Vestries of the respective Parishes are hereby impowered and directed, to raise and assess the same accordingly, in the Parish Levy. And all Collectors of such Levy, are hereby required to make the same Allowance to any Person or Persons paying such Tobacco in Cask.*

8 per Cent.
to be allowed
for Cask.

Collectors of
Parish Levies,
to make the
same Allow-
ance for Cask.

VI. *AND for the better Collecting and Paying of the Salaries hereby directed and established for the Ministers, and other the Parish Charges,*

VII. *BE it further Enacted, by the Authority aforesaid, That the Vestry of every Parish respectively, is hereby authorized and impowered, to nominate and appoint such Person as they shall think fit, to collect and receive all the Tobaccos that shall be raised and levied in their respective Parishes: And such Collector so to be appointed, shall enter into Bond, with sufficient Sureties, for the due Satisfying, Collecting, and Paying, unto the several Parish Creditors, all Tobacco so raised and levied; and shall have and receive for his Trouble therein, and for making the same convenient, the Allowance herein before appointed; and shall also have full Power and Authority, by Virtue of this Act, upon Refusal of Paiment of any Part thereof, by any Person or Persons whatsoever chargeable therewith, to levy the same by Distress, and Sale of the Thing distrained.*

Vestries to
appoint Col-
lectors of their
Parish Levies.
Collectors
shall give
Bond and Se-
curity; shall
have 10 per
Cent. for col-
lecting & ma-
king Tob. con-
venient, &c.
On Refusal
of Paiment,
may distrain.

VIII. *AND be it further Enacted, That the Collector of every Parish shall, before the last Day of March next following the Laying of the Parish Levy, satisfy and pay to the Minister of the Parish, and to every other Parish Creditor, all such Tobaccos as shall have been raised and levied for them respectively: And where such Paiments shall be directed to be made with Cask, the same shall be paid in Hogsheads, to contain Seven Hundred Pounds of neat Tobacco, at the least; and such Minister, or other Creditor, shall receive the same in the Parish: And after such Receipt, the Collector, as soon as the same may be conveniently done, shall roll such Tobacco to some Rolling-House within a Mile of some Landing, from whence it may be shipped off, as aforesaid.*

Collector
shall pay all
Parish Credi-
tors before 31
March, An-
nually.

IX. *AND be it further Enacted, by the Authority aforesaid, That if the Vestry of any Parish, shall neglect or refuse to levy the Tobacco due to the Minister, or other Parish Creditors; or if the Collectors shall fail to make Paiment of the Tobacco levied and directed by the Vestry, or any Part thereof, to the respective Persons to whom the same shall be payable, according to the Directions of this Act; then, and in such Case, all and every the Vestrymen, and the Collector of such Parish, so neglecting, refusing, or failing, shall be liable to the Action of the Party grieved, his or her Executors or Administrators, for all Damages which he or she shall sustain, by Reason of the Non-Paiment of such Tobacco.*

Vestrymen &
Collectors li-
able for Da-
mages on
Non-Paiment
of any Parish
Creditors.

X. *AND be it further Enacted, by the Authority aforesaid, That in all and every the Parishes within this Dominion, where good and convenient Glebes are not already purchased and appropriated, a good and convenient Tract of Land, to contain Two Hundred Acres at the least, may be purchased by the Vestry, and shall be assigned and set apart for a Glebe, for the Use of the Minister of such Parish, and his Successors, in all Times hereafter: And where Mansion-houses, and other Out-houses and Conveniencies are not already erected; for the Habitation of the Ministers, It is hereby Declared and*

Vestries to
purchase and
appropriate
200 Acres of
Land for a
Glebe in eve-
ry Parish.

And where
convenient
Houses are not
already built,
may erect a

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Mansion, and necessary Out-houses on such Glebe, and shall levy the Charges upon their Parish.

Enacted, That the Vestry of every such Parish shall have Power to erect and build on such Glebe, one convenient Mansion-house, and such other convenient Out-houses, as they shall think fit: And they are hereby authorized, impowered, and required, to levy the Charge of the said several Buildings, and Purchase of the Glebe, on the tithable Persons in their respective Parishes.

XI. AND to the End, the Buildings, and other Conveniences, already erected, or hereafter to be erected, in Pursuance of this Act, may hereafter be kept in good and sufficient Repair,

Every Minister shall keep and leave all the Buildings on his Glebe, in tenantable Repair, (Accidents by Fire and Tempests excepted.)

On Failure, shall be liable for the Damages.

Damages recovered, shall be laid out in Repairs.

XII. *BE it Enacted, by the Authority aforesaid*, That every Minister within this Dominion, shall, during his Incumbency, keep and maintain the Mansion-house, and all other the Out-houses and Conveniences erected, or to be erected on his Glebe, in tenantable Repair; and shall so leave the same at his Removal from the said Parish, or Death, (the Accidents of Fire and Tempests only excepted:) And in Case any Minister shall fail so to do, such Minister, his Executors and Administrators, shall be liable to the Action of the Churchwardens of the Parish, for the Time being, wherein the Value of such Repairs shall be recovered, in Damages, with Costs of Suit; and the Damages so recovered, shall be laid out in making necessary Repairs upon the Glebe: And every Vestry of a vacant Parish is hereby impowered and required to put all the Buildings upon the Glebe of their Parish respectively, into such good and sufficient Repair, as that the same may be fit for the Reception of the succeeding Minister.

For supplying the Cure of Parishes, during a Vacancy,

Vestries may levy 16000*lb*. Tobacco for satisfying some other Minister to officiate.

XIII. AND for Enabling the Vestries of any vacant Parishes in this Dominion, to procure some Minister to officiate in such Parishes, during the Vacancy,

XIV. *BE it Enacted, by the Authority aforesaid*, That when any Parish shall become vacant, the Vestry of such Parish shall have Power to levy any Quantity of Tobacco, not exceeding Sixteen Thousand Pounds Weight, and Cask, and to make the same convenient, in the Manner herein before directed; which shall be applied towards the satisfying some neighbouring or other Minister or Ministers, for serving in the Cure of such Parish, during such Vacancy.

Repeal of C. 11. 1696, and of Ch. 3. 1661.

XV. *AND be it further Enacted*, That one Act made at a General Assembly, held at *James-City*, the Twenty-Fourth Day of *September*, One Thousand Six Hundred and Ninety Six, Intituled, *An Act for the better Support and Maintainance of the Clergy*; and one other Act therein mentioned, intituled, *Glebes to be laid out*; and every Clause and Article therein contained, be and are hereby Repealed, made Void, and of none Effect, as if the same had never been made.

C H A P. VII.

An Act for the better securing the Paiment of Levies, and Restraint of vagrant and idle People; and for the more effectual Discovery and Prosecution of Persons having Bastard Children; and for making better Provision for the Poor.

Preamble.

I. **W**HEREAS, divers idle and disorderly Persons having no visible Estates or Emploiments, and who are able to work, frequently strole from one County to another, neglecting to labour, and either failing altogether

altogether to list themselves as Tithables, or by their idle and disorderly Life, rendring themselves incapable of paying their Levies when listed: For Remedy whereof for the future,

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II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That it shall not be lawful to and for any Inhabitant of this Colony, to entertain, hire, or employ, in his or her House, above the Space of Forty Eight Hours, any Person or Persons whatsoever, being Tithable, and removing from the Parish where he or she formerly resided, unless the Person so to be entertained, hired, or employed, shall first produce a Certificate under the Hands of the Sheriff of the County, or Churchwardens, or other Persons collecting the Levy of the Parish from whence he or she came, that such Persons paid Levy there for the preceeding Year, or that he or she came into this Colony since, or was a Servant at the Time of taking the last List of Tithables. And if any one shall entertain, hire, or employ any Person or Persons whatsoever being Tithable, not having such Certificate, as aforesaid, he or she so offending, shall forfeit and pay Two Hundred Pounds of Tobacco, or Twenty Shillings Current Money, to the Informer; and so, *toties quoties*, for every such Offence, to the Informer: To be recovered before any Justice of the Peace of the County where such Offence shall be committed. And if any Person being Tithable, not having such Certificate, shall offer to hire him or herself, or seek to be employed in Labour, or otherwise; every such Offender shall be subject to the like Penalties and Forfeitures, as Persons not listing themselves as Tithables, are liable and subject to.

No Inhabitant of this Colony shall entertain any tithable Person, without a Certificate from the Parish where he or she before resided.

Penalty, 200^{lb} Tob. or 20^s. Current Money, to the Informer; recoverable before a Justice of Peace.

Persons not having a Certificate, offering themselves to hire, subject to the Penalty of concealing Tithables. Description of Vagabonds.

III. *AND be it further Enacted, by the Authority aforesaid,* That all Persons, able in Body, and fit to labour, and not having wherewithal otherwise to maintain themselves, who shall be found loitering, and neglecting to labour for the usual and common Wages; and all Persons who run from their Habitations, and leave either Wives or Children, without suitable Means for their Subsistence, whereby they are like to become burthenfome to the Parish wherein they inhabit; and all other idle, vagrant, or dissolute Persons wandring abroad, without betaking themselves to some lawful Employment, or honest Labour, or going about begging, shall be adjudged and deemed Rogues and Vagabonds.

IV. *AND be it further Enacted,* That if any Person, by this Act declared to be a Vagabond, shall be found in any Parish or Place wandring, begging, or misordering him or her self, it shall and may be lawful for any Justice of the Peace of that County, and he is hereby impowered and required, by Warrant under his Hand, to cause such Vagabond to be brought before him, and to examine, and to inform himself, as well by the Oath and Examination of the Person so apprehended, as of any other Persons, (which Oath or Oaths the said Justice is hereby authorized to administer,) and by any other Ways and Means he shall think most proper, of the Condition and Circumstances of the Person or Persons so apprehended: And if it shall appear, that such Person or Persons are under the Description of Vagabonds within this Act, the said Justice shall order and direct such Vagabond to be conveyed from Constable to Constable, to the Parish wherein his Wife or Children do inhabit, or where he or she did last reside, as the Case is, and there delivered to a Justice of the Peace of such Parish, who is hereby required to cause every such Vagabond to give good and sufficient Security for his or her Good Behaviour, and for betaking him or her self to some lawful Calling or honest Labour: And in Case of Refusal to give such Security, then the said Justice is hereby impowered and required to commit every such Person to the common

Justice of the Peace to issue his Warrant for apprehending disorderly Vagabonds.

And after Examination, shall order such Vagabonds to be conveyed to the Parish of their last Residence, and there delivered to a Justice of that Parish, to be bound to be of Good Behaviour, &c.

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And on Refusal to give Security, shall be committed to Goal until next Court, & shall then be bound to Service for one Year, or receive 25 Lashes; but if no Person will receive such Vagabond into Service, 30 Lashes.

Wages for such Service, how to be disposed of.

No Person shall be accounted an Inhabitant of any Parish before 1 Year's Residence therein.

On Complaint made by the Churchwardens, any Justice of Peace may cause poor Persons to be removed to their own Parishes.

In Case of Sickness, the Parish to which such Poor belong, shall pay for the Maintenance, Cure, and Removal. Every Churchwarden refusing to receive such Poor belonging to his Parish, forfeits 20 l. Current Money. One Moiety to the King, for the Use of the Poor, the other to the Informer.

Vestry refusing to pay the Charges expended in that Parish from whence the Removal is made, the County Court

mon Goal of the County, there to remain until the next Court: And the said Court is hereby impowered, (if no Security shall be then offered,) to bind every such Vagabond to Service on Wages, for the Space of One Year, or to order him or her to receive Twenty-Five Lashes on his or her bare Back, well laid on, at the common Whipping-Post, at the Choice of such Vagabond: But if such Vagabond be of such ill Repute, that no one will receive him or her into Service, in that Case, the Court of the County shall order him or her to receive Thirty Lashes, well laid on, as aforesaid: And in both Cases of Whipping, to be discharged; and so, *toties quoties*, for every Offence of Vagrancy, whereof he or she shall thereafter be found guilty, as aforesaid. And where any Person shall, in Pursuance of this Act, be bound out to Service, the Wages of such Servant, after Paiment of the Charges of the Prosecution, shall be applied towards the Support of the Family (if any) of such Servant, or otherwise to be paid to the Person so bound, after his or her Time of Servitude is expired, in full of all other Reward which he or she might claim for such Service.

V. AND whereas, many Controversies and Disputes have arisen concerning what shall be accounted a legal Settlement, whereby any Person may be entitled to be provided for at the Charge of any Parish,

VI. *BE it Enacted and Declared, by the Authority aforesaid*, That no Person hereafter shall be accounted an Inhabitant, so as to have gained a legal Settlement in any Parish, until such Person shall have been actually resident in such Parish one whole Year.

VII. *AND be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful, to and for any Justice of the Peace, upon Complaint made to him by the Churchwardens of any Parish or Parishes, That any poor Person or Persons hath or have come into the said Parish, who is or are like to become chargeable thereto, by Warrant under his Hand, to cause such poor Person to be removed to the Parish where he or she was last legally settled. But if such poor Person be so sick or disabled, that he or she cannot be so removed, without Danger of his or her Life, the Churchwardens of the Parish where such sick Person shall be, shall, and are hereby impowered and required, to provide for him or her, at the Charge of the said Parish, until he or she can with Safety be removed: And when such Person shall recover, shall cause him or her to be conveyed as aforesaid. And the Parish wherein such poor Person was last legally settled, shall refund and pay all the Charges which shall be occasioned by such Sickness, or the Cure thereof, and also for the Maintenance of such poor Person, during such Sickness, and Removing him or her. And if the Churchwarden or Churchwardens of the Parish which ought to provide for such poor Person, shall refuse to receive and provide for him or her, upon the Justice's Warrant, as aforesaid, every Churchwarden so refusing, shall forfeit and pay Twenty Pounds current Money; One Half to our Sovereign Lord the King, to and for the Use of the Poor of that Parish from whence the Removal was made, and the other Half to such Person as shall inform or sue for the same, in any Court of Record within this Dominion: To be recovered, with Costs; and one Attorney's Fee. And if the Vestry of the Parish where any such poor Person was legally settled, shall refuse to satisfy, refund and pay, unto the Churchwardens of that Parish from whence such poor Person was removed, all the Charge of Maintaining such poor Person, during his Sickness or Disability, together with all other Charges expended in his Cure, being duly proved before the Court of the County wherein such Parish shall lie; then, and in such Case, it shall and may be lawful, to and for the Court of that County where-

in

in the Parish liable to the Payment thereof shall lie, upon Petition to them exhibited, to assess the said Charge upon the Vestrymen so refusing; and to cause the Sheriff to levy the same, together with the Costs of the Petition and Judgment, by Distress: And to pay the same to the Churchwardens of the Parish agrieved, to and for the Use of the said Parish.

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may give Judgment against the Vestrymen so refusing.

VIII. *AND* whereas Masters of Ships frequently bring into this Colony, sick and disabled Sailors, and turn them on Shore, without any Means of Subsistence, whereby they become chargeable to the Parish wherein they are so landed: For Prevention whereof, for the future,

IX. *BE it Enacted, by the Authority aforesaid,* That if any Master of a Ship or Vessel shall, after the Passing of this Act, turn away from the Service of such Ship or Vessel, any sick or disabled Sailor or Sailors, without taking due Care for his or their Maintenance and Cure, every such Master shall forfeit and pay Ten Pounds current Money, to the Churchwarden or Churchwardens of the Parish wherein such disabled Sailor shall be put on Shore: To be recovered, with Costs, by Action of Debt, Bill, Complaint or Information, in any Court of Record within this Dominion; and applied to the Use of the Poor of the said Parish. And moreover, shall be liable to the Action of the Churchwardens of that, or any other Parish, to which such sick or disabled Sailor shall become chargeable, for all Expences which shall be laid out for the Maintenance and Cure of such Sailor, during his Sickness: In which Action, no Act or Statute of Limitation, shall be liable.

Masters of Ships who shall turn on Shore sick or disabled Sailors, without Means of Subsistence, forfeit 10l. Current Money, and liable for all Charges of Maintenance & Cure.

X. *AND*, for Preventing the Inconveniences which happen, through the Neglect or Inability of many of the poorer Sort of Inhabitants, to bring up their Childern in an honest and orderly Course of Life,

For Educating the Children of the Poor,

XI. *BE it Enacted, by the Authority aforesaid,* That if it should happen, that the Parent or Parents of any Child or Children, upon due Proof before the Court of the County wherein such Parent or Parents inhabit, shall be adjudged incapable of Supporting and Bringing up such Child or Children, by reason of his, her, or their idle, dissolute, and disorderly Course of Life, or that they neglect to take due Care of the Education and Instruction of such Child or Children, in Christian Principles, That then it shall and may be lawful, upon Certificate from the said Court, to and for the Churchwardens of the said Parish, where such Child or Children shall inhabit, to bind out, or put out to Service or Apprentice, such Child or Children, for such Time or Term, and under such Covenants, as hath been usual and customary, or the Law directs in the Case of Orphan Children.

Churchwardens may bind out to Service, any Children whose Parents are incapable or neglect their Instruction.

XII. *AND*, whereas divers lewd Women, being got with Child of Bastards, do oftentimes, before their Delivery, absent and remove themselves from their usual Places of Abode, and abscond in other Counties, and sometimes remove into other Colonies, until the Time of their Delivery, and then return to their former Habitations; whereby the Laws made to punish such Offences, are evaded, and the due Course of Justice for obliging the reputed Fathers of such Bastards to provide for their Maintenance, often obstructed and prevented: For Remedy whereof for the future,

For Discovery of lewd Women having Bastard Children,

XIII. *BE it Enacted, by the Authority aforesaid,* That whensoever hereafter, any lewd Woman shall be delivered of a Bastard Child, and be thereof lawfully convicted, she shall, for every such Offence, be liable and compellable to pay the Sum of Five Hundred Pounds of Tobacco, and Cask, or Fifty Shillings Current Money of Virginia, to the Churchwardens of the Parish

Every lewd Woman delivered of a Bastard, shall forfeit 500 lb. Tob. or 50 s. Current Money.

A. D. 1727.

To the use of
the Parish.On Failure of
Paiment, shall
receive 25
Lashes.House keep-
ers, where
lewd Women
are delivered,
shall give No-
tice to the
Churchwar-
dens of their
Parish, & se-
cure the Wo-
man.On Failure,
shall forfeit
500 lb. Tob.
or 50 s. cur-
rent Money,
or receive 25
Lashes.

ish, wherein she shall be delivered: Which shall and may be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Colony; wherein no Essoin, Protection, or Wager of Law shall lie, or any more than one Impar lance. Which Fine, recovered as aforesaid, shall be accounted for by the Churchwardens, to the Use of the said Parish. And if any Person or Persons offending herein, shall refuse or fail to make present Paiment, or give sufficient Security for the Paiment of such Fine at the Laying of the next Parish Levy after such Conviction, every Person so refusing or failing, shall receive on her bare Back, at the Public Whipping-Post, Twenty Five Lashes, well laid on. And in either of the Cases, of Paying the Fine, or Whipping, the said Woman shall be discharged of all further or other Prosecution.

XIV. AND be it further Enacted, by the Authority aforesaid, That the Person or Persons in whose House such Woman shall be delivered, upon such Delivery shall give Notice thereof, to the Churchwardens of the Parish, or to one of them, wherein such Child shall be born: And if the Person in whose House the said Woman shall be delivered, shall neglect or fail to give such Notice, or to secure the Person of the Woman so offending, until such Notice given, or suffer her to escape, That then the Person in whose House such Delivery shall happen, shall forfeit and pay the Sum of Five Hundred Pounds of Tobacco, or Fifty Shillings Current Money; for the Use of the Poor of the Parish where he or she shall dwell: To be recovered as aforesaid. And in Case of Non-Paiment, or Refusal to give Security for the Paiment thereof at the next Parish Levy, to receive Twenty Five Lashes on the bare Back, as aforesaid.

C H A P. VII.

*An Act for Preventing of excessive and deceitful Gaming.*After April
1, 1728, all
Securities,
&c. where all
or Part of the
Consideration
is for Money
won at Ga-
ming or Bet-
ting,Or lent at
Play,

Shall be void.

I. FOR Preventing the Mischiefs which happen by excessive and deceitful Gaming, *Be it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That* from and after the First Day of April, One Thousand Seven Hundred and Twenty Eight, all Promises, Agreements, Notes, Bills, Bonds, Judgments, Mortgages, or other Securities or Conveiances whatsoever, made, given, granted, drawn, or entered into, or executed, by any Person or Persons whatsoever, where the whole or any Part of the Consideration of such Promise, Agreement, Conveiances, or Securities shall be, for any Money, or other valuable Things whatsoever, won by Gaming, or playing at Cards, Dice, Tables, Tennis, Bowls, or other Game or Games whatsoever, or by betting on the Sides or Hands of such as do game, at any of the Games aforesaid, or for the Reimbursing or Repaying any Money, knowingly lent or advanced for such Gaming or Betting, as aforesaid, or lent or advanced at the Time and Place of such Play, to any Person or Persons so Gaming or Betting, as aforesaid, or that shall, during such Play, so play or bet, shall be utterly void, frustrate, and of none Effect, to all Intents and Purposes whatsoever; any Law, Custom, or Usage, to the contrary thereof, in any-wise, notwithstanding.

II. AND,

II. AND that where such Mortgages, Securities, or other Conveiances, shall be of Lands, Tenements, or Hereditaments, or shall be such as incumber or affect the same, such Mortgages, Securities, or other Conveiances, shall enure, and be to and for the Sole Use and Benefit of, and shall devolve upon such Person or Persons as should or might have, or be entitled to such Lands, Tenements, or Hereditaments, in Case the said Grantor or Grantors thereof, or the Person or Persons so incumbering the same, had been naturally dead; and as if such Mortgages, Securities, or other Conveiances, had been made to such Person or Persons so to be entitled, after the Decease of the Person or Persons so incumbering the same. And that all Grants or Conveiances to be made for the preventing of such Lands, Tenements, or Hereditaments, from coming to, or devolving upon, such Person or Persons, hereby intended to enjoy the same, as aforesaid, shall be deemed fraudulent and void, and of none Effect, to all Intents and Purposes whatsoever.

A. D. 1727.

Lands, &c.
mortgaged
or conveyed
on such Con-
sideration,
shall devolve
on such Per-
sons as should
have been en-
titled to the
same, if such
Grantor had
been dead.

All Conve-
ances to hin-
der such
Lands from
devolving,
&c. void.

III. AND be it further Enacted, by the Authority aforesaid, That from and after the said First Day of April, One Thousand Seven Hundred and Twenty Eight, any Person or Persons whatsoever, who shall, at any Time or Sitting, by playing at Cards, Dice, Tables, or other Game or Games whatsoever, or by betting on the Sides or Hands of such as do play at any of the Games aforesaid, lose to any one or more Person or Persons so playing or betting, in the Whole, the Sum or Value of Ten Pounds Current Money, and shall pay or deliver the same, or any Part thereof; the Person or Persons so losing, and paying or delivering the same, shall be at Liberty, within Three Months then next, to sue for and recover the Money or Goods so lost, and paid or delivered, or any Part thereof, from the respective Winner and Winners thereof, with Costs of Suit, by Action of Debt founded on this Act; to be prosecuted in any of His Majesty's Courts of Records, in which Actions or Suits, no Effoin, Protection, Privilege, or Wager of Law, or more than one Impar- lance shall be allowed. In which Actions, it shall be sufficient for the Plain- tiff to alledge, That the Defendant or Defendants are indebted to the Plain- tiff, or received to the Plaintiff's Use, the Money so lost, and paid or con- verted the Goods won of the Plaintiff to the Defendant's Use, whereby the Plaintiff's Action accrued to him, according to the Form of this Act, without setting forth the special Matter. And in Case the Person or Persons who shall lose such Money, or other Thing, as aforesaid, shall not, within the Time aforesaid, really and bona fide, and without Covin or Collusion, sue, and with Effect prosecute, for the Money or other Thing so by him or them lost and paid, or delivered, as aforesaid, it shall and may be lawful to and for any Person or Persons, by any such Action or Suit, as aforesaid, to sue for and recover the same, and treble the Value thereof, with Costs of Suit, against such Winner or Winners, as aforesaid: The one Moiety thereof to the Use of the Person or Persons that will sue for the same; and the other Moiety to the Use of the Poor of the Parish where the Offence shall be committed.

The Loser of
10 l. at one
Sitting, may
sue the Win-
ner for the
Money, with-
in 3 Months.

And if the
Loser does
not sue, &c.
any other Per-
son may, and
recover the
same, & treble
the Value.

One Moiety
to the Prose-
cutor, the
other to the
Poor of the
Parish.

IV. AND for the better Discovery of the Monies, or other Things so won, and to be sued for and recovered, as aforesaid,

For Discov-
ery of Mo-
ney, &c. won,

V. IT is hereby further Enacted, by the Authority aforesaid, That all and every the Person or Persons, who, by Virtue of this present Act, shall or may be liable to be sued for the same, shall be obliged and compellable to answer, upon Oath, such Bill or Bills as shall be preferred against him or them, for discovering the Sum and Sums of Money, or other Thing, so won at Play, as aforesaid.

The Person
sued, shall an-
swer upon
Oath.

A. D. 1727.

Upon Discovery and Repayment, indemnified from further Punishment.

VI. *PROVIDED* always, and be it nevertheless Enacted, by the Authority aforesaid, That upon the Discovery and Re-paiement of the Money, or other Thing, so to be discovered and repaid, as aforesaid, the Person or Persons who shall discover and repay the same, as aforesaid, shall be acquitted, indemnified, and discharged, from any further or other Punishment, Forfeiture, or Penalty, which he or they may have incurred, by the playing for, or winning such Money, or other Thing so discovered and repaid, as aforesaid; any former or other Act, Law, or Usage, or any thing in this present Act, contained to the contrary thereof, in any-wise, notwithstanding.

Persons convicted of winning by Fraud, &c. any Money, &c. to forfeit Five Times the Value, be deemed infamous, and suffer as in Cases of wilful Perjury.

The Penalty to the Informer.

VII. *AND* be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, at any Time or Times after the said First Day of April, One Thousand Seven Hundred and Twenty Eight, do or shall, by any Fraud or Shift, Cosenage, Circumvention, Deceit, or unlawful Device, or ill Practice whatsoever, in playing at or with Cards, Dice, or any of the Games aforesaid, or in or by bearing a Share or Part in the Stakes, Wagers, or Adventures, or in or by betting on the Sides or Hands of such as do or shall play, as aforesaid, win, obtain, or acquire, to him or themselves, or to any other or others, any Sum or Sums of Money, or other valuable Thing or Things whatsoever; that then every Person so winning by such ill Practice, as aforesaid, and being thereof convicted, upon any Indictment or Information to be exhibited against him or them for that Purpose, shall forfeit Five Times the Value of the Sum or Sums of Money, or other Thing so won, as aforesaid; and shall be deemed infamous, and suffer such corporal Punishment, as in Cases of wilful Perjury: And such Penalty to be recovered by such Person or Persons as shall sue for the same, by such Action, as aforesaid.

VIII. *AND* whereas, divers lewd and dissolute Persons live at great Expences, having no visible Estate, Profession, or Calling, to maintain themselves, but support those Expences by Gaming only;

Two Justices may cause Persons, who have no visible Estate, &c. to be brought before them; and if they cannot make it appear, that they do not maintain themselves by Gaming, shall find Sureties for their Good Behaviour for 12 Months, or be committed. Persons finding Sureties, & playing for above 5 s. during the Time, forfeit their Recognizance.

IX. *BE* it therefore further Enacted, by the Authority aforesaid, That it shall and may be lawful for any two or more of His Majesty's Justices of the Peace in any County or City whatsoever, to cause to come, or be brought before them, every Person or Persons within their respective Limits, whom they shall have just Cause to suspect to have no visible Estate, Profession, or Calling, to maintain themselves by, but do, for the most Part, support themselves by Gaming. And if such Person or Persons shall not make it appear to such Justices, that the Principal Part of his or their Expences is not maintained by Gaming, that then such Justices shall require of him or them sufficient Securities for his or their Good Behaviour for the Space of Twelve Months. And in Default of his or their finding such Securities, to commit him or them to the Common Goal, there to remain until he or they shall find such Securities, as aforesaid.

X. *AND* be it further Enacted, by the Authority aforesaid, That if such Person or Persons so finding Sureties, as aforesaid, shall, during the Time for which he or they shall be so bound to their Good Behaviour, at any one Time or Sitting, play or bett for any Sum or Sums of Money, or other Thing exceeding in the Whole the Sum or Value of Five Shillings Current Money, that then such Playing shall be deemed and taken to be a Breach of his or their Behaviour, and a Forfeiture of the Recognizance given for the same.

XI. *AND* for the preventing of such Quarrels as shall and may happen, upon the Account of Gaming,

XII. *BE*

A. D. 1727.

XII. *BE it further Enacted by the Authority aforesaid, That in case any Person or Persons whatsoever, shall assault and beat, or shall challenge or provoke to fight any other Person or Persons whatsoever, upon Account of any Money, or other Thing, won by Gaming, Playing, or Betting, at any of the Games aforesaid, such Person or Persons assaulting and beating, or challenging or provoking to fight, such other Person or Persons, upon the Account aforesaid, shall, being thereof convicted, forfeit to the Party grieved, Ten Pounds Current Money of Virginia: To be recovered, by Action of Debt, in any Court of Record, with Costs, wherein no Effoin, Protection, or Wager of Law shall be allowed, nor more than one Imparlance; and moreover, shall be liable to the Action of the Party grieved, at the Common Law.*

Any Person assaulting or beating another, on Account of Money won by Gaming, forfeits 10^l. current Money to the Party grieved, and liable to Damages, at Common Law.

C H A P. IX.

An Act for the better regulating and ascertaining the Current Rates of Silver Coin within this Dominion; and for preventing the evil Practice of cutting Foreign Gold into Pieces.

I. **W** H E R E A S, the Rates of the Silver Coin heretofore settled within this Dominion, are greatly disproportioned to the Value at which the same pass in the neighbouring Plantations, whereby Encouragement hath been given, to draw thither the several Species of the said Silver Coin, to the great Detriment of the Trade and Commerce of this Colony: For remedying whereof, and for bringing the Silver Coin to a nearer Proportion to that of the Gold Currency,

Preamble.
1 Geo. 1.
Cap. 1.

II. *BE it Enacted by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the several Species of Coin hereafter mentioned and set down, shall be current within this His Majesty's Colony and Dominion, in all Paiments, for the Discharge of any Contracts, Bargains, or Debts, to be made or contracted after the Publication of this Act, and shall pass, be accounted, and received, at the following Rates: (To wit,) Pieces of Eight of Mexico, Sevil, and Pillar, Duccatoons of Flanders, Ecues of France, or Silver Louis, and Crusadoes of Portugal, and all Halves, Quarters, and lesser Pieces of the same, shall pass at Four Pence the Penny Weight; and all Peru Pieces, Cross-Dollars, and old Rix-Dollars of the Empire, and all lesser Pieces of the same, shall pass at Three Pence Three Farthings the Penny Weight, and that all English milled Silver Money shall pass at the Rate of Six Shillings and Three Pence the Crown Piece; and all Half Crowns, Shillings, and Six Pences, in the same Proportion.*

Silver Current Coins enumerated.

Mexico, Sevil, Pillar, Duccatoons, Silver Louis & Crusadoes, 4 d. per Penny Weight.

Peru Pieces and Dollars, 3 d. $\frac{3}{4}$ per Penny Weight.

English Crowns at 6 s. 3 d. &c.

Persons refusing to receive Money at the Rates herein mentioned, forfeit the Sum tendered.

If under 20 s. recoverable before a Justice.

III. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Person or Persons whatsoever, deny or refuse to take and receive the aforesaid Coins or Monies, or any of them, when offered or tendered in Paiment of a Money Debt, contracted after the Publication of this Act, at the full Rate, Price, and Value, set by this Act, he, she, or they so refusing, shall lose and forfeit to the Party who offers or tenders the same, such Sum or Sums of Money, as he, she, or they, so refuse and deny to take: To be recovered by Action of Debt, in any Court of Record within this Dominion, wherein no Effoin, Protection, or Wager of Law shall be allowed. And*

A. D. 1727. in Case the Forfeiture be less than Twenty Shillings, to be recovered, upon a Complaint before any Justice of the Peace in the County where the Refusal happens to be made.

Copper Money, if permitted to be brought in here, shall pass at the Rates of Great Britain. *Provido, none compellable to take above 2s. 6d. in Copper, in Payments above 20s. &c.*

Counterfeiting, debasing, &c. any of the Current Coins, Treason.

18 Eliz. Cap. 1.

Monies already due, Payments to the King, Officers Salaries, Bills of Exchange, Specialties for Sterling, and English Debts excepted out of this Act. Saving to His Majesty, Power to alter the Rates by Proclamation.

IV. AND for the Conveniency of Change and small Payments, *Be it further Enacted*, That if his Majesty, his Heirs and Successors, shall think fit, at any Time hereafter, to permit Copper Money to be brought in, and pass in the Colony, the same shall pass and be current in this Colony, at the like Rates it doth pass in *Great-Britain*.

V. *PROVIDED*, That no Person shall be obliged to take above Two Shillings and Six Pence of the said Copper Money, in any one Payment whatsoever, above Twenty Shillings, or to take above One Shilling of the said Copper Money, in any one Payment under Twenty Shillings,

VI. *AND be it further Enacted, by the Authority aforesaid*, That if any Person or Persons shall hereafter presume to coin, counterfeit, falsify, or debase any of the Coins above-mentioned, or shall be aiding, consenting, or counselling therein, he, she, or they, so offending, upon being thereof lawfully convicted, shall be deemed and adjudged as Offenders in Treason, and shall suffer such Pains, Penalties, and Forfeitures, as are mentioned in the Act of Parliament, made in the Eighteenth Year of the Reign of Queen *Elizabeth*.

VII. *PROVIDED nevertheless, and it is hereby meant and intended*, That nothing contained in this Act, shall extend, or be construed to extend, to any Money Payment already due, or to His Majesty's Revenues arising within this Colony, or to the several Salaries payable out of the same, or to any Protested Bills of Exchange, or any other Specialty expressly limited to be *Sterling* Money, or any Debt contracted in *Great Britain*.

VIII. *PROVIDED also, and it is hereby Declared*, That nothing in this Act mentioned, shall extend, or be construed, to restrain His Majesty, from regulating and settling the several Rates of the said Species of Coins within this His Majesty's Colony and Dominion, in such other Manner, and according to such other Rates and Proportions, as His Majesty, by His Roial Proclamation for that Purpose to be issued, or by his Roial Instructions to His Governor, or Commander in Chief of this Colony, for the Time being, shall from Time to Time judge proper and necessary.

Repeal of Ch. 6. 1710.

And also of one Clause in Ch. 1. 1714.

IX. *AND be it further Enacted, by the Authority aforesaid*, That one Act of Assembly, made the Twenty-Fifth Day of *October*, in the Ninth Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for ascertaining the current Rates of Foreign Coins within this Dominion*; and also so much of one other Act of Assembly, made in the Twelfth Year of her said late Majesty's Reign, intituled, *An Act for regulating and settling the current Rates of Gold Coin and of British Silver Coin in this Dominion*, as relates to the ascertaining the Value of the *British* Silver Coin, be from henceforth repealed and made void, to all Intents, Constructions, and Purposes, as if the same had never been made.

Gold cut into lesser Pieces, not to pass in Payments.

X. AND whereas, great Frauds and Abuses have of late been committed, by Means of a Liberty some People have taken to cut the Foreign Gold Coin, which is current in this Dominion, into small Pieces, whereby base Money is frequently passed away: For Prevention whereof,

XI. *BE it further Enacted*, That no Foreign Gold Coin whatsoever, cut into lesser Pieces, shall hereafter be passed in any Payment in this Dominion. A. D. 1727.

C H A P. X.

An Act for prohibiting the Exportation of Grain in Time of Scarcity.

I. **W** H E R E A S divers Persons, for their own private Lucre, transport out of this Colony, into Parts beyond the Seas, Wheat, *Indian* Corn, and other Grain, when the same are greatly wanted for the Relief of the Inhabitants here, whereby the People of this Dominion have been frequently brought into great Distress: For Remedy whereof for the future,

Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That it shall and may be lawful, to and for the Governor, or Commander in Chief of this Dominion, for the Time being, from Time to Time, and at all Times hereafter, upon Information to him given of the Scarcity of Corn, or other Grain, to issue his Proclamation, by and with the Advice and Consent of His Majesty's Council, thereby prohibiting the Exportation of any Wheat, *Indian* Corn, Pease, or other Grain whatsoever, or Flower, or Meal made of the same, or any or either of them, for and during such Time or Times as he, with the Advice aforesaid, shall judge most fit and necessary.

The Governor, with Advice of the Council, may by Proclamation, prohibit Grain, &c. to be exported.

III. *AND be it further Enacted, by the Authority aforesaid*, That all Wheat, *Indian* Corn, Pease, or other Grain, and all Flower, or Meal, which at any Time, during the Continuance of such Prohibition, shall be laden or put on Board any Ship or Vessel for Transportation, shall be forfeited, and shall and may be seized by the Naval Officer, or other Officer of the Customs, in the Port or District in which such Grain or other the Commodities aforesaid shall be laden: And moreover, the Owner or Owners of such Wheat, Corn, Pease, or other Grain, or Flower, or Meal, shall forfeit and pay double the Value thereof: One Third of both which said Forfeitures, shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; One Third to the Governor or Commander in Chief of this Dominion, for the Time being; and the other Third to the Officer or Officers who shall seize, or any other Person who shall inform and prosecute for the same: And the said Forfeitures, or either of them, shall and may be recovered in any Court of Record within this Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or any more than one Imparlance, shall be allowed.

Grain, &c. put on board to be exported, during a Prohibition, shall be forfeited. Officers may seize.

And double the Value to be recovered of the Owners: One Third of the Forfeiture to the King, one Third to the Governor, and the other Third to the Officers making the Seizure, or to the Informer.

IV. *PROVIDED always*, That nothing herein contained, shall be construed, deemed, or taken, to restrain the taking on Board any Ship or Vessel, any Provision of Corn, Pease, Flower, or Meal, necessary for the victualling such Ship or Vessel for her Voyage; but that the same may be victualled, during such Prohibition, in the same Manner, as if this Act had never been made.

Ships Provisions excepted.

A. D. 1727.

Grain, &c.
put on board,
before Notice
of Prohibiti-
on, not lia-
ble to For-
feiture, if re-
landed.

V. PROVIDED also, That no Grain, or other the Commodities be-
fore enumerated, laden on Board any Ship or Vessel, in order to Exportation,
before Notice of such Prohibition, shall be liable to Seizure or Forfeiture; nor
the Owner or Owners thereof, subject to any Penalty, if such Owner or Own-
ers shall in convenient Time after the Publication of such Prohibition, reland,
or cause the same to be relanded and disposed of in this Colony.

C H A P. XI.

Chap. 4

*An Act to explain and amend the Act, For declaring the Negro,
Mullatto, and Indian Slaves, within this Dominion, to be Real
Estate; and Part of one other Act, intituled, An Act for the Dis-
tribution of Intestates Estates, declaring Widows Rights to their
deceased Husbands Estates; and for securing Orphans Estates.*

Preamble.
Ch. 23. 1705.

I. W H E R E A S the Act, made in the Fourth Year of the Reign of
the late Queen *Anne, Declaring the Negro, Mullatto, and Indian
Slaves, within this Dominion, to be Real Estate*, hath been found by Ex-
perience very beneficial for the Preservation and Improvement of Estates in
this Colony, yet many Mischiefs have arisen, from the various Constructions,
and contrary Judgments and Opinions, which have been made and given
thereupon, whereby many People have been involved in Law Suits and Con-
troversies, which are still like to increase: For Remedy whereof, and to the
End, the said Act may be fully and clearly explained and amended,

The Act 4
Anne, Ch. 23.
to be constru-
ed, as herein
after expres-
sed, viz.

II. B E it Enacted, by the Lieutenant-Governor, Council, and Burgesses,
of this present General Assembly, and it is hereby Enacted, by the Autho-
rity of the same, That the said Act shall hereafter be construed, and the true
Intent and Meaning thereof, is hereby declared to be, in the several Cases
herein after mentioned, as the same is herein after expressed and declared,
and not otherwise: That is to say,

Property of
Slaves sold,
given, or be-
queathed,
transferred, as
if such Slaves
were a Chat-
tel.

Remainder
of any Slave
shall not be
limited, o-
therwise than
the Remain-
der of a
Chattel, ex-
cept as herein
after menti-
oned.

Slaves con-
vey'd, &c. or
descending to
any Feme Co-
vert, vested in
the Husband.

III. W H E N E V E R any Person shall, by Bargain and Sale, or Gift,
either with or without Deed, or by his last Will and Testament in Writing,
or by any Noncupative Will, bargain, sell, give, dispose, or bequeath, any
Slave or Slaves; such Bargain, Sale, Gift, or Bequest, shall transfer the ab-
solute Property of such Slave or Slave to such Person or Persons to whom the
same shall be so sold, given, or bequeathed, in the same Manner, as if such
Slave or Slaves were a Chattel: And no Remainder of any Slave or Slaves
shall or may be limited by any Deed, or the last Will and Testament in
Writing, of any Person whatsoever, otherwise than the Remainder of a Chat-
tel Personal, by the Rules of the Common Law, can or may be limited,
except in the Manner herein after mentioned and directed.

IV. A N D that where any Slave or Slaves have been or shall be conveyed,
given, or bequeathed, or have or shall descend to any Feme Covert, the ab-
solute Right, Property, and Interest, of such Slave or Slaves is hereby vested,
and shall accrue to, and be vested in the Husband of such Feme Covert.
And that where any Feme Sole is or shall be possessed of any Slave or Slaves,
as of her own proper Slave or Slaves, the same shall accrue to, and be abso-
lutely vested in the Husband of such Feme, when she shall marry.

V. AND

22. Geo. 2. 1705. Cap. 4. making the Act to be construed as follows

22. Geo. 2. 1748. Cap. 6. Sect. 10

22. Geo. 2. 1748. Cap. 8. Sect. 16

22. Geo. 2. 1748. Cap. 17. Sect. 17. to be construed as follows

V. AND that any Infant, above the Age of Eighteen Years, by his or her last Will and Testament in Writing, may dispose and bequeath the absolute Right, Property, and Interest, of any Slave or Slaves whereof he or she shall be possessed.

VI. AND that no Slave or Slaves whatsoever shall be forfeited, except in such Cases where the Lands and Tenements of the Person incurring the Forfeiture, is, should, or might, be forfeited.

VII. AND that no Executor or Administrator hath or shall have any Power to sell or dispose of any Slave or Slaves of his Testator or Intestate, except for the paying and satisfying the just Debts of such Testator or Intestate, and then only, where there is not sufficient of the Personal Estate of such Testator or Intestate, to satisfy and pay such Debts; and in that Case, it shall and may be lawful for the Executor or Administrator, to sell and dispose of such Slave or Slaves, as shall be sufficient to raise so much Money as the Personal Estate falls short of the Payment of the Debts.

VIII. AND that when a Mother shall die Intestate, leaving one or more Slave or Slaves, other than the Slave or Slaves which she holds as of her Dower, the Heir at Law shall be accountable to the younger Children for their Proportions of the Value of such Slave or Slaves, in the same Manner as he should or might be accountable, in Case of a Father's dying and leaving such Slaves.

IX. *PROVIDED* always, That nothing in this Act contained, shall be construed to change or alter the Property of any Slave or Slaves, which, by the Judgment of the General Court, or any County Court, have been heretofore adjudged to belong to any Person or Persons whatsoever; but such Judgment shall remain, and for ever hereafter, shall be deemed and taken to be valid and binding.

X. *PROVIDED* also, That where any Person hath heretofore, by Deed executed in his Life Time, or by his Last Will and Testament in Writing, disposed of any Slave or Slaves for the Life or Lives of any Person or Persons whatsoever, and hath thereupon limited any Remainder, such Remainder shall be good and effectual in Law, to transfer the absolute Property of such Slave or Slaves to the Person or Persons to whom such Remainder hath been limited, and not otherwise.

XI. AND whereas, the true Design of the said Act, and the Policy thereof, was and is, to preserve Slaves for the Use and Benefit of such Persons to whom Lands and Tenements shall descend, be given, or devised, for the better Improvement of the same; which cannot be done, according to the Custom and Method of improving Estates in this Colony, without Slaves; and therefore it may be very advantageous to Estates, to establish a Method for settling Slaves, and their Increase, so as they may go and descend with Lands and Tenements: To which End,

XII. *BE it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for any Person or Persons whatsoever, by Deed executed in his or their Life Times, or by his or their Last Will and Testament, wherein any Lands and Tenements shall hereafter be settled, conveyed, or devised, in Fee Tail, or for Life or Lives, to settle, convey, or devise, any Slave or Slaves; and in such Deed or Last Will, to declare that such Slave or Slaves,

A. D. 1727.

Infants above the Age of 18 Years, may bequeath Slaves by Will in Writing.

Slaves not liable to other Forfeiture, than Lands are subject to.

Executors, &c. shall not sell Slaves, except for Payment of Debts.

And where the Personal Estate of the Testator, &c. falls short.

Mother dying Intestate, and leaving Slaves, other than of her Dower, the Heir shall pay a Proportion to the younger Children.

Property of Slaves heretofore adjudged by any Court, confirmed by this Act.

And also Remainder of Slaves heretofore limited.

For settling Slaves, &c. to descend with Lands & Tenements.

Any Persons may, by Deed or Will, annex Slaves, &c. their Increase, to Lands and Tenements.

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And Slaves so annexed, shall go in Possession, Reversion and Remainder, with the Lands, &c.

Slaves settled, &c. with the same Limitations, & in the same Deed, &c. with Lands, &c. shall be annexed to, and go with such Lands, &c.

and their Increase, so long as any of them shall be living, shall descend, pass, and go, as Part of the Freehold to such Person or Persons to whom such Lands and Tenements shall be so conveyed or devised, and to whom the same shall from Time to Time descend and come; and such Declaration shall be good and effectual in Law, to annex such Slave or Slaves to the Freehold and Inheritance of such Lands and Tenements, and they, and their Increase, so long as any of them shall be living, shall descend, pass, and go, in Possession, Reversion, and Remainder, with such Lands and Tenements: Or where any Person shall, by his Deed executed in his Life Time, or by his Last Will and Testament in Writing, settle, convey, or devise, any Lands and Tenements in Fee Tail, or for Life or Lives; and shall, in the same Deed or Will, settle, convey, or devise, any Slave or Slaves, with the same Limitation or Limitations with which such Lands and Tenements shall be so settled, conveyed, and devised, such Limitation or Limitations shall amount to a Declaration of the Intent of the Party settling, conveying, or devising the same, that the same should be annexed to such Lands and Tenements, and shall descend, pass, and go therewith, from Time to Time, as aforesaid.

Tenant in Tail may annex Slaves to his Estate, which shall descend, under the like Limitation, as if such Settlement had been made, when the Estate was first created.

XIII. AND where any Person or Persons now are, or hereafter shall be, seised of Lands or Tenements in Fee Tail, it shall and may be lawful for such Person or Persons, by Deed executed in his or their Life Times, or by his or their Last Will and Testament, to annex to the same Lands and Tenements, all or any Slave or Slaves which such Tenant in Tail shall, during such his Estate, purchase, acquire, or be possessed of; and to declare, that such Slave or Slaves, and their Increase, so long as any of them shall be living, shall descend, pass, and go, in Possession, Reversion, or Remainder, as Part of the Freehold, under the like Limitation or Limitations with which such Lands and Tenements are or have been settled, conveyed, or devised: And such Declaration shall be as effectual to annex the said Slave or Slaves, and their Increase, to such Lands and Tenements, as if the same had been settled, conveyed, or devised, by the same Deed or Will, whereby the Estate in the said Lands and Tenements was at first made and created.

XIV. BUT forasmuch as the greatest Part of the visible Estates of the Inhabitants of this Colony, doth generally consist of Slaves, and it may happen in future Time, after several Descents of Slaves so annexed to Lands, as aforesaid, that many People may not be acquainted with such Settlements, and so Creditors may be deceived and hindered in the Recovery of just Debts: And moreover, to bind the Property of Slaves, so as they may not be liable to the Payment of Debts, must lessen, and in Process of Time, may destroy the Credit of the Country,

Slaves annexed, &c. liable to be taken in Execution, and sold for Payment of Debts of the Tenant in Possession.

Such Sale good against the Heir.

XV. *IT is hereby Provided and Enacted*, That notwithstanding any Slave or Slaves shall be annexed, as aforesaid, to any Lands and Tenements settled, conveyed, or devised, in Fee Tail in Possession or Remainder, as aforesaid, such Slave, or Slaves, or their Increase, shall be liable to be taken in Execution, and sold for the satisfying and paying the just Debts of the Tenant in Tail, for the Time being. And such Sale shall be good and effectual against him or her, and his or her Issue, and all other Persons whatsoever, claiming under such Settlement.

Proviso, Slaves annexed, &c. belonging to the Wife, not liable for Debts of her Husband.

XVI. *PROVIDED nevertheless*, That if any Person shall be hereafter possessed of any Slave or Slaves, in Right of his Wife, which shall be so annexed to Lands, as aforesaid, such Slave or Slaves shall not be liable to be taken in Execution, or sold for the satisfying any Debt of such Husband,

so as to bar the Wife of any Right which she may claim under any Settlement, made in Pursuance of this Act, after his Death.

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XVII. AND whereas it is by the said Act provided, That Writs of Dower and Partition may be brought and maintained, for recovering Dower, or making Partition of Slaves, as the Case may be; and the Process and Proceedings in those Writs are not well adapted to the Circumstances of living Things, and are very tedious and difficult:

Writs of Dower and Partition.

XVIII. BE it further Enacted, by the Authority aforesaid, That where any Person or Persons, have or shall have, a Right to demand Dower, or have Partition of any Slave or Slaves, such Person or Persons shall and may exhibit a Bill in Equity for that Purpose, against the Person or Persons of whom the same may be demanded: And the Court before whom such Bill shall be exhibited, shall compel the Defendant or Defendants to answer, and shall and may proceed upon such Bill and Answer, altho' the Defendant or Defendants, or any of them, be under the Age of Twenty One Years, according to the Course and Rules of Equity; and shall and may make such Decree for the Assignment of such Dower, or making such Partition, in such Manner as shall be most agreeable to Equity: And such Assignment of Dower, or Partition, shall be as effectual, as if the same were made in the ordinary Methods of the Common Law.

Dower or Partition may be demanded by Bill in Equity. Court to compel the Defendant to answer, notwithstanding Nonage; and to decree the Assignment of such Dower or Partition.

XIX. AND be it further Enacted, by the Authority aforesaid, That where it shall be necessary for the younger Child or Children of any Person whatsoever, to bring any Suit against the Heir at Law, for recovering his or their Proportion of the Value of any Slave or Slaves, pursuant to the said Act, instead of an Action upon the Case, such Child or Children shall and may exhibit his or their Bill, in a Court of Equity, for recovering such Proportion: And the Court before whom such Bill shall be exhibited, shall and may proceed upon the Bill, and the Answer of the Defendant, altho' he shall be under the Age of Twenty One Years; and give such Relief for the Recovering and Compelling the Payment of such Proportion of the true Value of such Slave or Slaves, as shall be agreeable to the Rules of Equity; any thing in the said Act contained to the contrary thereof, in any wise, notwithstanding.

Younger Children may exhibit a Bill in Equity against the Heir at Law, for their Proportion of any Slaves. Court to decree Relief against such Heir, altho' under Age.

XX. AND whereas, by Part of one other Act, made in the Fourth Year of the Reign of the said late Queen Anne, intituled, *An Act for the Distribution of Intestates Estates; declaring Widows Rights to their deceased Husbands Estates; and for securing Orphans Estates*, it is provided, That no Person, by his last Will and Testament, may give a less Share or Proportion of his Estate, than is therein directed; and that any Will, made contrary to that Act, may be set aside, for so much, upon the Petition of the Wife. And forasmuch as it is doubted, whether that Part of the said Act hath any Relation to the Disposition of Slaves, and what Right a Widow hath to the Slaves of her deceased Husband, in Case of his dying Testate; To the End, all Doubts and Questions thereupon may be removed, and a better Method may be settled for Women to recover their Rights, than by Petition to set aside the Will,

Recital of Part of Cap.

1705

XXI. BE it further Declared and Enacted, by the Authority aforesaid, That when any Widow shall not be satisfied with the Provision made for her by her Husband's Will, it shall and may be lawful for such Widow, within Nine Months after her Husband's Death, before the Court where such Will shall be proved, or by Deed executed in the Presence of Two or more

Widows not satisfied with the Provision made for them by their Husbands Will, may within 9 Months after the Husband's

F f f

Witnesses,

A. D. 1727.

Death, in Court, or by Deed, renounce their Legacies, &c. and may demand Dower of the Slaves, & shall enjoy them during her Life; and shall have such Share of the Personal Estate, as is given by 4 Anna, Cap. 4. If such Declaration be not made within the Time limited she shall be barr'd to renounce the Will.

Preamble.

The respective County Courts, upon Application to them made &c. shall cause Highways & Bridges to be made, and maintained, from the Iron Mines to the nearest convenient Landings; & such Highways, &c. shall be kept, and repaired, &c. as the other Public Roads of this Colony.

Directions concerning private Roads.

Witnesses, to declare, That she will not accept, receive, or take the Legacy or Legacies to her given and bequeathed, or any Part thereof, and will renounce all Benefit and Advantage which she might claim by such last Will: And after such Declaration, to demand and recover her Dower of all the Slaves whereof her Husband died possessed; which she shall enjoy during her natural Life: And after her Death, or other Determination of that Estate, the same shall go to the Person or Persons in whom the Property thereof would have vested, in Case the Dower had not been demanded: And moreover, such Widow shall have such Share of the Personal Estate of her Husband, as by the said Act is directed. But if such Declaration be not made within the Time before limited, she shall be for ever barr'd to claim any other Part of her Husband's Estate, than shall be given or bequeathed by such last Will.

C H A P. XII.

An Act for Encouraging Adventurers in Iron-Works.

I. **W**HEREAS divers Persons have of late expended great Sums of Money, in erecting Furnaces and other Works, for the Making of Iron, in several Parts of the Country; which doth greatly tend to the Increasing the Trade and Shipping of *Great-Britain*, and the Riches of this Colony, and to the Employing of great Numbers of Artificers and other Persons, more usefully than hath hitherto been done; and therefore all necessary Encouragements ought to be given to the Adventurers in such Undertakings: And forasmuch as it is absolutely necessary that Roads be laid out and cleared, from all such Iron-Works, to convenient Landings; and also that private Roads should be laid out and cleared, for the carrying Wood, Coal, Oar, and Stone, to such Furnaces or other Works aforesaid:

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the Justices of the Peace, respectively, of any County in which any Iron-Work is or shall be erected, shall, upon Application to be made, by the Owner or Owners, or chief Manager of such Work, order and appoint good Roads to be laid out and made, from such Works, to the nearest Place upon some navigable River or Creek, where the Iron made at such Works may be brought and shipped off, and for bringing Stone and other Materials, for the Erecting and Carrying on such Work, before the same shall be finished, from thence; and shall also order such convenient Causeways and Bridges, as shall be necessary for Carts, Waggon, or any other Wheel Carriages whatsoever, to pass in such Roads, to and from such Iron-Works, with the most Ease that can be: And such Highways and Bridges, shall, during the Time such Iron-Work shall be maintained, be repaired and amended, in the same Manner, and under the same Penalties and Forfeitures, that other Highways and Bridges in this Colony, are to be repaired and amended: And that upon the like Application to be made to the County Courts, as aforesaid, such County Courts shall and may order and appoint private Roads to be laid out, where the same shall be necessary, for the carrying Wood, Coal, Oar, or Stone, to such Furnaces, so as such Roads do not pass through the inclosed or tended Grounds of any Person whatsoever, and so as the same shall be cleared and repaired from Time to Time, by the Owner or Owners of such Iron-Works, for whose Benefit the same shall be appointed.

III. AND

III. AND whereas, the calling away of Persons employed in and about such Iron-Works, where their constant Attendance is necessary, for the Repairing and Amending of Highways, and Bridges, and Clearing of Rivers, may be very inconvenient and detrimental to the Owners of the said Works, *Be it further Enacted*, That all Persons whatsoever, which now are, or hereafter shall be, employed in and about any Furnace or other Work, now erected, or hereafter to be erected, for the making of Iron, shall be exempted and discharged from the Duties of Clearing, Amending, and Repairing all Highways and Bridges, (other than the Roads and Bridges to be laid out and made for the Use and Benefit of such Iron-Work, pursuant to this Act) and of Clearing of Rivers and Creeks.

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All Persons employed in Iron-Works, exempted from the Duties of clearing Highways, &c. other than the Roads laid out by Virtue of this Act, for the Use of such Works.

IV. AND, for a further Encouragement to all Persons, who shall hereafter, within One and Twenty Years next to come, erect any Furnace, or other Work, for the making of Iron: *Be it further Enacted*, That the Adventurers in such Work, shall give Notice to the Court of the County where any Furnace, or other Work aforesaid to be erected, shall lie, of their intending to begin and carry on such Work or Works; and from and after such Notice so given, all the Persons employed in and about the Building and Carrying on such Work, or the cutting of Wood, making of Coal, raising of Oar, or any other Thing necessary for the completing and carrying on such Design, shall, for the Space of Five Years next following, be free and exempt from the Paiment of all Public, County, and Parish Levies.

If any Iron-Work shall be erected within 21 Years next ensuing, upon Notice thereof given to the County Court, all Persons employed in such Work exempted from Public, County, and Parish Levies, for 5 Years after such Notice.

V. *PROVIDED nevertheless*, That the Owner, or Owners, or chief Manager of such Work or Works, shall, upon or within Twenty Days after the Tenth of June, in every Year, give a List of all the Persons so to be employed about such Work or Works, to the Person appointed to take the List of Tithables in the Precinct where they shall respectively live, or be employed; or otherwise they shall not be intitled to any of the Exemptions aforesaid, for that Year.

Owner of such Work to give, on June 10, or in 20 Days after, a List of the Persons so employed in such Work.

VI. *PROVIDED also*, That if any of the Persons, so to be exempted as aforesaid, shall be employed in the planting or making of Tobacco, the Owner or Owners of such Work or Works, shall, for that Year, lose the Benefit of the Exemptions aforesaid, for all the Persons employed in and about such Work or Works, as aforesaid; and moreover, if the same shall be done with his or their Knowledge, or Consent, shall forfeit Five Hundred Pounds of Tobacco, for every Person above the Age of Sixteen Years, constantly residing upon the Plantation or Plantations, where such Tobacco shall be so planted, or made; and if the same shall be done without the Knowledge or Consent of such Owner or Owners, the Overseer of such Plantation or Plantations, shall be liable to the same Penalty: To be recovered by Action of Debt, in any Court of Record in this Colony; and one Moiety thereof, shall be to the Informer, and the other Moiety to the King, his Heirs, and Successors, for the Support of this Government, and the contingent Charges thereof.

Exempted Persons not to make Tobacco, or Owners lose all Benefit of Exemption that Year; & if done by his Consent, &c. shall forfeit 500 lb. Tob^o for every Tithable upon the Plantation, &c. and if without his Consent, &c. the Overseer liable for the Penalty.

VII. *AND be it further Enacted, by the Authority aforesaid*, That all and every Person and Persons whatsoever, now employed, or hereafter to be employed, in and about any Iron-Work, already erected, shall, from the Tenth of June next, for the Space of Five Years next following, be exempted and discharged from the Paiment of all Public, County, and Parish Levies, as aforesaid. *Provided*, That the Owner or Owners, or chief Manager of such Work or Works, shall give the same List, to the Person taking the List

Persons employed in Iron-Works, exempted from Public, County, and Parish Levies, for 5 Years: But shall be listed

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and re-
strained from
tending To-
bacco; under
the same Pe-
nalties, &c.

This Act
shall not ex-
tend to Per-
sons who sell
Wood for the
Use of the
Works.

The respec-
tive County
Courts, and
Vestries shall
return to the
General As-
sembly, Ac-
counts of To-
bacco levied,
&c. by reason
of the Exemp-
tions, granted
by this Act,
to be repaid
by the Public.

of Tithables, as is before directed; and shall be restrained in the same Manner from making Tobacco: And he or they, or his or their Overseer or Overseers, shall be liable to the same Penalties for planting or making the same: To be recovered and disposed of, in the same Manner as is herein before directed and provided.

VIII. *PROVIDED* always, That nothing in this Act contained, shall be construed to extend to such Person or Persons, who shall sell Wood to the Owner or Owners of such Work or Works, and shall employ his or their Servants or Slaves to cut the same.

IX. *AND*, for Reimbursing to the respective Counties and Parishes, all such Tobaccos as shall be levied on the Inhabitants, more than they would have been chargeable with, if the Exemptions herein before mentioned had not been granted: *Be it Enacted, by the Authority aforesaid*, That the Justices of the respective County Courts, and the Vestries of the several Parishes, wherein such Iron-Works are, or shall be set up, do yearly, at their Laying of their Parish and County Levies, compute how much the said respective Levies, by the Exemption of the Persons employed in Iron-Works, are increased on the remaining Tithables in such County or Parish; and shall return such Computation, to the next General Assembly; to the End, the same Quantity of Tobacco may be reimbursed to such County and Parish, in the next Public Levy.

C H A P. XIII.

An Act for the better and more effectual putting the Penal Laws in Execution.

Preamble.

I. **W**HEREAS the Grand-Juries of several Counties in this Colony, have sometimes omitted to present, and the County Courts forbore to prosecute Offences, for committing whereof the Forfeiture or Penalty incurred by Law, doth not amount to Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco; concluding that such Offences were not cognizable before them:

Grand Juries
may present,
and County
Courts hear
& determine
Presentments
for Offences
against Penal
Laws, altho'
the Penalty
be less than
20 s. or 200
lb. Tobacco.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted and Declared, by the Authority of the same*, That the Grand-Juries of the several Counties of this Colony, have full Power to present, and the Courts of such Counties full Power and Authority to hear and determine all Presentments for Offences, made Penal by the Laws of this Country, altho' the Forfeiture, or Penalty thereby inflicted, shall not amount to Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco.

After 15 A-
pril, 1728, all
Presentments,
&c. where the
Penalty doth
not exceed 5 l.
Current Mo-
ney, or 1000 lb
Tobacco, may
be prosecuted

III. *AND*, for the more easy Prosecution of Presentments, for Breach of the Penal Laws of this Colony, *Be it further Enacted*, That from and after the Fifteenth Day of *April*, which shall be in the Year of Our Lord, One Thousand Seven Hundred and Twenty Eight, when any Offence or Offences shall be presented by the Grand-Jury of any County of this Colony, and the Penalty or Forfeiture by Law inflicted on such Offence or Offences, shall not exceed the Sum of Five Pounds Current Money, or One Thousand Pounds of Tobacco, be it to the King, and to the Inform-
mer,

mer, or to the Informer or Party only, or to whom or to what Use soever the same is or shall be appropriated, such Presentment need not be drawn up in other Form, than as the same stands presented by the Grand-Jury; and upon such Presentment, the Court shall order a Summons forthwith to issue, to summon any Person or Persons so presented, to appear and answer such Presentment at the next Court; and shall not admit of any Exception or Pleading to the Form or Manner thereof; but the Court shall proceed to Trial, and to give Judgment upon such Presentment, according as the very Right of the Cause, and Matter in Law, shall appear unto them.

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by Summons, & Judgment shall be given according to Right of the Cause, without Regard to the Form.

IV. AND, for the easier, speedier, and better Advancement of Justice, in obtaining Judgments in any Suit or Action, to be brought upon any of the Penal Laws of this Colony, after the said Fifteenth Day of *April*, in which Suit or Action, the Penalty sued for, shall not exceed Five Pounds Current Money, or One Thousand Pounds of Tobacco: *Be it further Enacted, by the Authority aforesaid*, That where any Demurrer shall be joined, and entered, in any such Suit or Action, in any Court of Record in this Dominion, the Judges shall proceed, and give Judgment, according to the very Right of the Cause, and as the Matter in Law shall appear unto them, without regarding any Imperfection, Omission, or Defect in any Writ, Return, Complaint, Declaration, Information, or other Pleading, Process, or Course of Proceeding whatsoever, except those only which the Party demurring shall specially and particularly set down, and express, together with his Demurrer, as Causes of the same, notwithstanding such Imperfection, Omission, or Defect, might have heretofore been taken to be Matter of Substance; so as sufficient Matter appear in the said Pleadings, upon which the Court may give Judgment, according to the very Right of the Cause.

And in Suits brought for Breach of such Penal Laws, where a Demurrer is joined, &c. the Causes of Demurrer shall be expressly assigned, &c.

V. AND *be it further Enacted, by the Authority aforesaid*, That if any Verdict shall be given in any such Action, or Suit, in any Court of Record in this Dominion, the Judgment thereupon, shall not be stayed or reversed, for or by Reason of any Default in Form, or Want of Form, in any Writ, original or judicial, Declaration, Complaint, Information, or Bill, or for Want of any Writ, original or judicial, or by Reason of any imperfect or insufficient Return of any Sheriff or other Officer, nor for any insufficient Pleading, or Mis-joining the Issue, nor for any Matter of the like Nature, nor any Judgment hereafter to be given on any Verdict, in any such Suit or Action, shall be reversed for any the Defects or Causes aforesaid; any Law, Statute, or Usage to the contrary, notwithstanding.

After Verdict in any such Action, no Judgment shall be stay'd or reversed, for any Default in the Form of the Proceedings, &c.

C H A P. XIV.

An Act for erecting a Town in each of the Counties of Spotsylvania, and King George.

I. **W**HEREAS great Numbers of People, have of late seated themselves and their Families, upon and near the River *Rappahannock*, and the Branches thereof, above the Falls; and great Quantities of Tobacco and other Commodities, are every Year brought down to the upper Landings upon the said River, to be shipped off and transported to other Parts of the Country; and it is necessary, that the poorer Part of the said Inhabitants should be supplied from thence, with Goods and Merchandize, in Return for their Commodities; but for Want of some convenient Place, where Traders may

Preamble.

A. D. 1727.

may cohabit, and bring their Goods to, such Supplies are not to be had, without great Disadvantages; and good Houses are greatly wanted, upon some navigable Part of the said River, near the Falls, for the Reception and Safe-keeping of such Commodities, as are brought thither; and for the Entertainment and Sustenance of those who repair thither from remote Places, with Carriages drawn by Horses or Oxen: And forasmuch as the Inhabitants of the County of *Spotsylvania*, have made humble Supplication to this General Assembly, That a Town may be laid out, in some convenient Place, near the Falls of the said River, for the Cohabitation of such as are minded to reside there, for the Purposes aforesaid, whereby the Peopling that remote Part of the Country will be encouraged, and Trade and Navigation may be increased:

may cohabit, and bring their Goods to, such Supplies are not to be had, without great Disadvantages; and good Houses are greatly wanted, upon some navigable Part of the said River, near the Falls, for the Reception and Safe-keeping of such Commodities, as are brought thither; and for the Entertainment and Sustenance of those who repair thither from remote Places, with Carriages drawn by Horses or Oxen: And forasmuch as the Inhabitants of the County of *Spotsylvania*, have made humble Supplication to this General Assembly, That a Town may be laid out, in some convenient Place, near the Falls of the said River, for the Cohabitation of such as are minded to reside there, for the Purposes aforesaid, whereby the Peopling that remote Part of the Country will be encouraged, and Trade and Navigation may be increased:

Fifty Acres of Land vested in Trustees, who are appointed Directors.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted by the Authority of the same*, That within Six Months after the Passing of this Act, Fifty Acres of Land, Parcel of a Tract of Land belonging to *John Royston*, and *Robert Buckner*, of the County of *Glocester*, situate, lying, and being upon the South Side of the River *Rappahanock*, aforesaid, in the County of *Spotsylvania*, commonly called or known by the Name of the *Lease-Land*, shall be surveyed and laid out, taking the whole Breadth of the said Tract of Land, upon the River, by the Surveior of the said County of *Spotsylvania*; and the said Fifty Acres of Land, so to be surveyed and laid out, shall be and is hereby vested in *John Robinson*, Esq; *Henry Willis*, *Augustine Smith*, *John Taliaferro*, *Harry Beverly*, *John Waller*, and *Jeremiah Clowder*, of the County of *Spotsylvania*, Gentlemen, and their Successors, in Trust, for the several Purposes hereafter mentioned; and the said *John Robinson*, *Henry Willis*, *Augustine Smith*, *John Taliaferro*, *Harry Beverly*, *John Waller*, and *Jeremiah Clowder*, are hereby constituted and appointed Directors and Trustees, for designing, building, carrying on, and maintaining a Town upon the said Land. And the said Directors and Trustees, or any Four of them, shall have Power to meet as often as they shall think necessary; and shall lay out the said Fifty Acres in Lots and Streets, not exceeding Half an Acre of Ground in each Lot; and also to set apart such Portions of the said Land for a Church and Church-Yard, a Market-Place, and Public Key, and to appoint such Places upon the River for Public Landings, as they shall think most convenient; and if the same shall be necessary, shall direct the Making and Erecting of Wharfs and Cranes, at such Public Landings, for the Public Use: And when the said Town shall be so laid out, the said Directors and Trustees, shall have full Power and Authority, to sell all the said Lots by Public Sale or Auction, from Time to Time, to the highest Bidder, so as no Person shall have more than Two Lots: And when such Lots shall be sold, any Two of the said Trustees shall and may, upon Payment of the Purchase Money, by some sufficient Conveyance or Conveyances, convey the Fee-Simple Estate of such Lot or Lots, to the Purchaser or Purchasers; and he or they, or his or their Heirs and Assigns, respectively, shall and may for ever thereafter peaceably and quietly have, hold, possess, and enjoy the same, freed and discharged of and from all Right, Title, Estate, Claim, Interest, and Demand whatsoever, of the said *John Royston*, and *Robert Buckner*, and the Heirs and Assigns of them, respectively, and of all Persons whatsoever, claiming by, from, or under them, or either of them.

To be laid out in Lots, and Streets.

To be Sold.

40 s. for every Acre, to be paid to the Proprietors.

III. *PROVIDED nevertheless*, That the said Directors and Trustees, shall pay or cause to be paid, unto the said *John Royston*, and *Robert Buckner*, out of the Money to be raised by the Sale of the said Lots, as soon as the same shall be by them received, after the Rate of Forty Shillings for every Acre of the

the said Fifty Acres of Land, according to the Right which the said *John Royston*, and *Robert Buckner*, now respectively have to the same: And the said *John Royston*, and *Robert Buckner*, shall also have each of them Two Lots, which shall be assigned to them by the said Directors and Trustees, and they shall respectively remain seised of such Lots, of the same Estate, whereof they were respectively seised in the said Land, before the Making of this Act.

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Two Lots
of Land
shall be
assigned
to them

IV. *AND be it further Enacted, by the Authority aforesaid*, That after the said Lots shall be so laid out and disposed of, as aforesaid, the said Directors or any Four of them, shall have full Power and Authority, to apply all the overplus Money, which shall be raised by the Sale of the said Lots, to such Public Use, for the common Benefit of the Inhabitants of the said Town, as to them shall seem best.

Overplus of
the Money to
be laid out in
Public Uses,
for the Bene-
fit of the
Town.

V. *AND be it further Enacted, by the Authority aforesaid*, That the Grantee or Grantees of every such Lot or Lots, so to be conveyed and sold in the said Town, shall within Two Years next after the Date of the Conveyance for the same, erect, build and finish, on each Lot so conveyed, one House, of Brick, Stone, or of Wood well framed, of the Dimensions of Twenty Foot Square, and Nine Foot Pitch at the least, or proportionably thereto, if such Grantee shall have Two Lots contiguous: And the said Directors shall have full Power and Authority to establish such Rules and Orders, for the more regular Placing the said Houses, as to them shall seem fit, from Time to Time. And if the Owner of any Lots shall fail to pursue and comply with the Directions herein prescribed, for the Building and Finishing one or more House or Houses thereon, then such Lots upon which such Houses shall not be so built and finished, shall be revested in the said Trustees; and shall and may be sold and conveyed to any other Person or Persons whatsoever, in the Manner before directed; and shall revest, and be again sold, as often as the Owner or Owners shall fail to perform, obey, and fulfil the Directions aforesaid: And if the Inhabitants of the said Town shall fail to obey and pursue the Rules and Orders of the said Directors, in Repairing and Amending the Streets, Landings, and Public Wharfs, they shall be liable to the same Penalties as are inflicted for not repairing the Highways in this Colony.

How to be
built.

VI. *AND for the Continuing the Succession of the said Trustees and Directors, until the Governor of this Colony shall incorporate some other Persons, by Letters Patents, under the Seal of this Colony, to be one Body Politic and Corporate, to whom the Government of the said Town shall be committed, Be it further Enacted*, That in Case of the Death of the said Directors, or of their Refusal to act, the surviving or other Directors, or the major Part of them, shall assemble, and are hereby impowered, from Time to Time, by Instrument in Writing, under their respective Hands and Seals, to nominate some other Person or Persons, being an Inhabitant or Freeholder of the said Town, in the Place of him so dying or refusing; which new Director or Directors, so nominated and appointed, shall from thenceforth have the like Power and Authority, in all Things relating to the Matters herein contained, as if he or they had been expressly named and appointed, in and by this Act: And every such Instrument and Nomination, shall, from Time to Time, be recorded in the Books of the said Directors.

For perpetuating the
Succession of
the Directors.

VII. *AND whereas William Levingston is possessed of a Lease under the said John Royston, for certain Years to come, of Part of the said Fifty Acres of Land, and hath erected Buildings, and made several Improvements thereon,*

For a Re-
compence to
Levingston &c
Royston,

4. D. 1727. thereon, which will be taken away when the said Town shall be laid out: For making Satisfaction for which,

Two Lots
assigned to
them.

VIII. *BE it further Enacted*, That the Two Lots to be assigned to the said *John Royston*, pursuant to this Act, shall include the Dwelling-House and Kitchen of the said *William Livingston*, and shall be held and enjoyed by him, for the Residue of the said Term; and at the Expiration thereof, shall revert unto, and be vested in the said *John Royston*, as aforesaid: And moreover, the said Trustees are hereby enjoined and required to pay unto the said *William Livingston*, the Sum of Twenty Pounds Current Money, out of the Monies arising by Sale of Lots, as a Consideration and Competency for the said Lease.

Name of
the Town.

IX. *AND be it further Enacted*, That the Town aforesaid shall be called by the Name of *Fredericksburg*.

X. *AND* forasmuch as the said Town will not be convenient to the Inhabitants on the North Side of the said River, for Transporting their Commodities to and from the same: To the End therefore, that the same Benefits and Advantages may be extended to them, as are before given to the People inhabiting the County of *Spotsylvania*,

Other Land
vested in o-
ther Trustees,
who are ap-
pointed Di-
rectors.

XI. *BE it further Enacted by the Authority aforesaid*, That within Six Months after the Passing of this Act, Fifty Acres of Land, Parcel of a larger Tract of Land, belonging to *William Todd*, of the County of *King and Queen*, Gentleman, situate, lying, and being on the North Side of the said River, about Two Miles above the said *Lease-Land*, in the County of *King George*, including the *Fall-Land*, and the High Land adjacent, shall be surveyed and laid out, by the Surveior of the said County of *King George*; and shall be vested in *Robert Carter*, and *Mann Page*, Esquires, *Nicholas Smith*, *William Thornton*, *John Fitzbugh*, *Charles Carter*, and *Henry Fitzbugh*, the Younger, Gentlemen, and their Successors, in Trust, for the several Purposes herein after mentioned: And the said *Robert Carter*, and *Mann Page*, Esquires, *Nicholas Smith*, *William Thornton*, *John Fitzbugh*, *Charles Carter*, and *Henry Fitzbugh*, the Younger, Gentlemen, are hereby constituted and appointed Directors and Trustees, for designing, building, carrying on, and maintaining a Town upon the same; and they or any Four of them, shall have the same Powers and Authorities, in Laying out the said Town in Lots and Streets, each Lot not exceeding Half an Acre, as aforesaid; and shall and may assign convenient Portions of the said Land, for a Church, Church-Yard, Market-Place, and Public Key, and appoint and make Public Landings, Wharfs, and Cranes, for the common Benefit of the Inhabitants; and sell and convey the Lots, and dispose of the Overplus of the Money arising from such Sale, to the same Uses; and make and establish Rules and Orders, for the more regular Building the Houses, and for Repairing and Amending the Streets, Landings, and Wharfs; under the same Penalties as are herein before directed, prescribed, ordained, and appointed, for the said Town of *Fredericksburg*; and the Grantees of such Lots, so laid out, sold, and conveyed, shall be under the like Directions for Building, and under the Forfeiture, as are herein before prescribed for the said Town of *Fredericksburg*: And the Succession of the said Directors, shall be continued in the same Manner as is before directed, for continuing the Succession of the other Directors aforesaid.

To be laid
out and built
upon, in the
same Manner,
& the Over-
plus of the
Money to be
applied to
Public Uses.

Satisfaction
to be made
to *Wm. Todd*.

XII. *AND be it further Enacted*, That the said last mentioned Directors shall satisfy and pay unto the said *William Todd*, out of the Money arising by

by the Sale of the said Lots, Forty Shillings for every Acre of the said Land; and moreover, shall assign him Four Lots, whereof he shall remain seised, of the same Estate, as he now hath in the said Fifty Acres of Land; and shall also pay him for such Houses as he hath erected, which shall be taken into any of the Streets or Public Landings of the said Town: And in Case such Houses shall fall within the Bounds of any Lot or Lots, the same shall be assigned him, as Part of the Four Lots, hereby intended for him: And the said last mentioned Town, shall be called by the Name of *Falmouth*.

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XIII. *PROVIDED* nevertheless, That if the said respective Directors, shall not, within Six Months after the Fifty Acres of Land shall be surveyed and laid out, in each of the Places before-mentioned, fully satisfy and pay, or, in Case of Refusal to receive the same, tender to the Proprietors of each Fifty Acres respectively, the several Sums of Money by this Act directed to be paid to them, the Lands and Premises before-mentioned shall be revested in the said Proprietors respectively; and they shall remain and continue seised thereof, as if this Act had never been made: And this Act shall be adjudged, held, and taken to be a General Act.

Directors not paying, or rendering Payment, for the Lots, in 6 Months, they shall revert to the Proprietors.

C H A P. XV.

An Act for ascertaining the Fees of certain Officers therein mentioned. E X P.

Expir'd, & Re-enacted, Cap. 10. 1732.

C H A P. XVI.

An Act for raising a Public Levy. E X P.

Chap. 17. *An Act for erecting a new County, on the Heads of Essex, King and Queen, and King William Counties; and for calling the same Caroline County.* Private Acts.

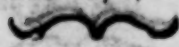
18. *An Act for dividing the County of Henrico.*

19. *An Act for dissolving the present Vestry of the Parish of Elizabeth City; and for appointing a new Election of Vestrymen for the said Parish.*

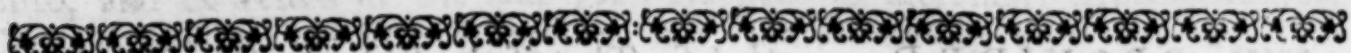
20. *An Act for killing Squirrels and Crows, in the Counties of Accomack and Northampton.*

21. *An Act to prevent Swine running at large, within the Limits of the Town of Norfolk.*

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Chap. 22. *An Act to enable William Farrar, and Thomas Farrar, to sell and convey certain intailed Lands; and for settling other Lands and Negros, of greater Value, to the same Uses.*



Signed by WILLIAM GOOCH, Esq; Governor.

John Holloway, Speaker.



At

A. D. 1730.

WILLIAM
Goosn, Esq;
Governor.

At a GENERAL ASSEMBLY, begun and held at *Williamsburg*, the First Day of *February*, Anno Dom' 1727, in the First Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c. And from thence continued, by several Prorogations, to the Twenty First Day of *May*, 1730. Being the Second Session of this present General Assembly.

CHAP. I.

An Act for Repealing the Act for the better and more effectual Improving the Staple of Tobacco: And for the better Execution of the Laws now in Force against Tending Seconds: And for the further Prevention thereof.

I. **W**HER EAS, at a General Assembly, begun and held at the Capitol, the First Day of *February*, in the First Year of His Majesty's Reign, an Act was made, intituled, *An Act for the better and more effectual Improving the Staple of Tobacco*; which Act is found by Experience to be inconvenient:

Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the said Act, intituled, An Act for the better and more effectual Improving the Staple of Tobacco, and every Clause, Matter, and Thing therein contained, shall be and is hereby Repealed, and made null and void, to all Intents and Purposes whatsoever.*

Repealing
Clause.

III. *AND for the better Execution of the Laws now in Force, against Tending Seconds, and for the further Prevention thereof: Be it Enacted, by the Authority aforesaid, That every Constable within this Colony, shall Yearly, between the last Day of July and the Tenth Day of August, and between the Twentieth Day of August and the Tenth Day of September, and at such other Times as any Constable shall think proper, repair to all the several Fields and Places whereon Tobacco shall be planted or tended, within their respective Precincts, and diligently view the same, in order to discover whether*

Against tend-
ing Seconds.

Constables
to view all
Fields of To-
bacco, be-
tween the
last Day of
July & 10th
of August.

G g g 2

122.4. 6002/1705/ Cap. 12. with notes subjoined

7. 410.1/1720 1.

10. 410.7/1736/ Cap. 2

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Owner or Overseers shall cut up all Slips & Suckers above the Height of 9 Inches from the Ground; otherwise the Constable shall do it.

Penalty upon Persons refusing to shew all their Fields of Tobacco.

Penalty upon Constables tending Seconds.

ther any Slips or Suckers shall be turned out or tended, from the Stalks from which any Tobacco-Plant hath been before cut or taken, above the Height of Nine Inches from the Ground. And if any Constable shall find or discover any such Slips or Suckers growing upon any Plantation within his Precinct, and the Owner or Overseer of such Plantation being thereunto required, shall refuse or fail to cut up and destroy such Slips and Suckers, such Constable is hereby impowered and required to cut up and destroy, or cause the same to be cut up and destroyed. And if any Owner or Overseer shall refuse to shew to such Constable all such Fields and Places on his or her Plantation or Plantations, where Tobacco hath been planted or tended in any Year, every Owner or Overseer so refusing, shall forfeit and pay Five Hundred Pounds of Tobacco, for every Person employed in making Tobacco on his or her Plantation or Plantations that Year. And if any Constable shall turn out, or tend any such Slips or Suckers, upon his Plantation or Plantations, or shall neglect to cut up or destroy the same, such Constable so offending, shall forfeit and pay Five Hundred Pounds of Tobacco, for every Person employed in making Tobacco on such Plantation or Plantations that Year.

Constables to take an Oath.

IV. AND all Constables shall take an Oath before some Justice of the Peace of the County wherein they respectively reside; which Oath the said Justice is hereby impowered and required to administer, in the Words following, *viz.*

The Oath.

I A. B. do swear, *That I will diligently and carefully view the several Fields and Places whereon Tobacco shall be planted or tended, within the Precincts whereof I am Constable; and will cut up and destroy, or cause to be cut up and destroyed, all Stalks from which any Tobacco-Plant shall be cut or taken, and all Slips or Suckers growing from or out of the same, which I shall find standing or growing in any of the Fields or Places aforesaid, above the Height of Nine Inches from the Ground: And that I will make Information of all Persons within my said Precinct, whom I shall know to be guilty of the Breach of any Law of this Colony made against the Tending of Slips or Seconds, to the next Court held for my County, after the same shall come to my Knowledge. So help me God.*

Penalty upon Constables not doing their Duty.

V. AND be it further Enacted, by the Authority aforesaid, That if any Constable shall refuse or fail to take such Oath, or shall knowingly allow any Person whatsoever, within his Precinct, to tend any Seconds, Slips, or Suckers, each Constable so offending, shall forfeit and pay One Thousand Pounds of Tobacco.

Their Allowance.

VI. AND for Encouraging the Constables to perform their Duties herein, *Be it further Enacted*, That there shall be levied on every Tithable Person in each County, One Pound of Tobacco; to be distributed to the respective Constables, in Proportion to the Number of Tithables in their respective Precincts: Which said Levy of One Pound of Tobacco per Poll, the Court of each County within this Colony, is hereby impowered and required to make; and the Sheriff, or other Collector of the County Levy, to pay to the several Constables to whom the same shall be due; and for every Hundred of Tobacco-Stalks which shall have any Sucker or Slip growing thereon, of the Height of Nine Inches from the Ground, which any Constable shall cut up and destroy, there shall be paid to such Constable, by the Owner of such Tobacco-Stalks, or his or her Overseer, Twenty Pounds of Tobacco, and so proportionably for a lesser Quantity: To be recovered, with Costs, before any Justice of the Peace of the County wherein the said Tobacco-Stalks shall be so cut up and destroyed.

VII. AND

A. D. 1730.

Courts to order Prosecutions upon Informations made by Constables.

VII. *AND be it further Enacted, by the Authority aforesaid, That the Court of every County within this Colony, upon the Information of any Constable, to them made, against any Person or Persons, for the Breach of this Act, or of any other Act of Assembly of this Colony, made against the Tending of Slips or Seconds, shall order and direct the Attorney appointed to prosecute in such Court for His Majesty, to bring Suit against such Person or Persons, for the respective Forfeitures by them incurred, by the Breach of any of the said Acts.*

VIII. *AND be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures herein before mentioned, and not otherwise appropriated, shall be One Half to our Sovereign Lord the King, his Heirs and Successors, for and to the Use of the Parish wherein such Offence shall be committed, and the other Half to the Person or Persons who shall inform, and sue for the same: And may be recovered, with Costs, in any Court or Courts of Record within this Colony, by Action of Debt, Bill, Complaint, or Information; except the Forfeiture in this Act mentioned, cognizable before a Justice of the Peace.*

Penalties appropriated.

C H A P. II.

An Act for enforcing the Act, intituled, An Act for the effectual Suppression of Vice; and Restraint and Punishment of blasphemous, wicked and dissolute Persons: And for preventing incestuous Marriages and Copulations.

I. **F**ORASMUCH as the Act, intituled, *An Act for the effectual Suppression of Vice, and Restraint and Punishment of blasphemous, wicked, and dissolute Persons*, hath not been duly put in Execution, according to the Intent and Design thereof; whereby divers wicked and dissolute Persons have been the more encouraged to commit the Crimes therein mentioned: For Remedy thereof,

Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the Churchwarden or Churchwardens of every Parish within this Colony, shall make Presentment of all and every Person and Persons whatsoever, guilty of any of the Offences or Crimes in the said Act mentioned, committed or done, within the respective Times by the said Act limited for Prosecution thereof, and not otherwise, to the Court of the County, wherein such Offence or Crime shall be committed, at the next Court after such Offence or Crime shall come to his or their Knowledge: And thereupon such Court are impowered and required forthwith to cause such Person or Persons to appear and answer such Presentment; and shall proceed to Trial, and give Judgment upon such Presentment, in like Manner as if such Presentment had been made by a Grand Jury.*

Churchwardens to make Presentment.

And the Court to proceed thereupon.

III. *PROVIDED nevertheless, That nothing in this Act contained, shall be construed to take away the Power of the Grand Juries of this Colony, or of the several Counties, to make Presentment of any Offences in the said Act mentioned, in the same Manner as they might have done before the making of this Act.*

Saving to Grand-Juries.

IV. *PROVIDED*

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Offences pu-
nished by any
Incapacity or
Imprison-
ment, to be
tried only in
the General
Court.

For prevent-
ing incestuous
Marriages.

Marriages
within the
Levitical De-
grees prohi-
bited.

Such Mar-
riages to be
dissolv'd by
Sentence of
the General
Court.
And the At-
torney-Gener-
al to exhibit
a Bill for that
Purpose.

Parties to be
punished by
Fine, and to
give Bond not
to cohabit.

Punishment
of incestuous
Copulations.

IV. *PROVIDED also*, That all and every the Offences of Blasphemy and Irreligion, enumerated in the said recited Act, for which the Offenders are to be punished, by Incapacity to hold any Office or Employment, or any other Incapacity, or to be punished by Imprisonment, shall be tried, heard, and determined only in the General Court: And that when any Presentment shall be made of any such Offence, either by the Churchwarden or Churchwardens, or the Grand-Juries in the said County Courts, the Justices before whom such Presentment shall be made, shall cause the Offender or Offenders to enter into Recognizance, with one or more sufficient Sureties, for his or her Personal Appearance at the next General Court, to answer the said Presentment; and shall also cause the Record of the said Recognizance and Presentment, together with the Names of the Persons on whose Information the same was made, to be returned in due Time to the Secretary's Office, to the End, Prosecution may be had thereon, according to the true Intent and Meaning of the afore-said Act. And for preventing incestuous Marriages, and Copulations,

V. *BE it also Enacted, by the Authority aforesaid*, That if any Person whatsoever shall hereafter marry within the Levitical Degrees prohibited by the Laws of *England*; that is to say, if the Son shall marry his Mother or Step-Mother, the Brother his Sister, the Father his Son's Daughter, or his Daughter's Daughter; or if the Son shall marry the Daughter of his Father begotten and born of his Step-Mother, or the Son shall marry his Aunt, being his Father's or Mother's Sister, or marry his Uncle's Wife, or the Father shall marry his Son's Wife, or the Brother shall marry his Brother's Wife, or any Man shall marry his Wife's Daughter, or his Wife's Son's Daughter, or his Wife's Daughter's Daughter, or his Wife's Sister, every Person or Persons so unlawfully married, shall be separated by the definitive Sentence or Judgment of the General Court; and the Children proceeding or procreate under such unlawful Marriage, shall be accounted illegitimate: And the Attorney-General of this Colony, upon any Information made to him of any such Marriage, shall and may exhibit a Bill to the Judges of the General Court, against any Persons so unlawfully married; who shall be compelled upon Oath to answer the same: And upon such Bill and Answer, and the Depositions of Witnesses, where the same shall be necessary, the General Court shall and may proceed to give Judgment, and to declare the Nullity of such Marriage; and moreover may punish the Parties by Fine at their Discretion; and if they see fit, may cause the Parties so separated, to give Bond, with sufficient Surety, that they will not thereafter cohabit, under such Penalty as the said Court shall judge reasonable.

VI. *AND be it further Enacted, by the Authority aforesaid*, That if any Persons whatsoever shall hereafter, without marrying, carnally know, or have Copulation with, any Person within the Degrees aforesaid, each and every Person so offending, and being thereof convicted, in any Court of Record within this Colony, shall be fined according to the Discretion of such Court: And if the Offender or Offenders shall refuse immediately to pay the said Fine, or to give Surety for the Payment thereof at the laying of the next Parish Levy, every Person so refusing, shall, by Order of the said Court, be publicly whipt on his or her bare Back, not exceeding Thirty Nine Lashes: And moreover, it shall and may be lawful to and for the said Court, to commit the Parties convicted of the Offence aforesaid, to the publick Goal of the said Court, there to remain, until he, she, or they give Bond, with sufficient Surety, for their future Separation.

VII. *AND*

A. D. 1730.

Fines given
to the Poor.

VII. *AND be it further Enacted, by the Authority aforesaid, That all and every the Fines imposed, by Virtue of this Act, shall be to the Use of the Poor of the Parish wherein the Offence or Offences shall be respectively committed.*

C H A P. III.

An Act for amending the Staple of Tobacco: And for Preventing Frauds in His Majesty's Customs.

I. **W**HEREAS, the Laws heretofore made, have been found ineffectual, to prevent the Exportation of bad and trash Tobacco, and the many Frauds in deceiving His Majesty of His Customs, which of late Years have greatly increased, to the great Decay of the Trade of this Colony:

Preamble

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That for the more effectual preventing the Exportation of all trash, bad, unsound, and unmerchantable Tobacco, all Tobacco which, from and after the First Day of August, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty One, shall be exported out of this Colony and Dominion, shall be first brought to some public Warehouse herein after-mentioned, and there shall be viewed and inspected by Persons thereunto appointed, in such Manner as herein is expressed.*

All Tobacco exported after 1st of August, 1731, shall be brought to some public Warehouse, and there shall be viewed and inspected.

III. *AND be it further Enacted, by the Authority aforesaid, That no Person shall put on Board, or receive into any Ship, Sloop, Boat, or other Vessel, in order to be exported therein, any Tobacco not packed in Hogsheads, Casks, or Cases, upon any Pretence whatsoever; nor in any Hogshead, Cask, or Case, to be in that or any other Ship, Sloop, or Vessel, exported out of this Colony, before the same shall have been viewed and inspected, according to the Directions of this Act: But that all Tobacco whatsoever, to be received or taken on Board any Ship, Sloop, or other Vessel, and to be therein exported, or to be carried or put on Board any other Ship, Sloop, or Vessel, for Exportation as aforesaid, shall be received or taken on Board at the several Warehouses for that Purpose herein after-mentioned, or some, or one of them; and at no other Place or Places whatsoever. And every Master, Mate, and Boatswain, which shall arrive in this Colony, in order to lade Tobacco, during the Continuance of this Act, shall, before the said Ship or Vessel be permitted to take on Board any Tobacco whatsoever, make Oath, before the Naval Officer of the District wherein such Ship or Vessel shall arrive, (which Oath the said Naval Officer is hereby impowered and required to administer,) that they will not permit any Tobacco whatsoever to be taken on Board their respective Ships or Vessels, except the same be packed in Hogsheads, Casks, or Cases, stamp'd by some Inspector legally thereunto appointed. And if any Master or Commander of any Ship or Vessel shall take on Board, or suffer to be taken on Board the Ship or Vessel whereof he is Master, any Tobacco brought from any other Place, than some, or one of the public Warehouses herein after-mentioned, or any Hogshead, Case, or Cask of Tobacco not stamp'd by some lawful Inspector; or shall suffer to be brought on Board, any Tobacco whatsoever, except in Hogsheads, Casks, or Cases, stamp'd as aforesaid, every such Master and Commander shall forfeit and pay (a) Twenty Pounds*

No Tobacco to be put on Board any Ship or Vessel to be exported before it shall be view'd and inspected.

But all Tobacco to be exported, shall be received or taken on Board at the Warehouses for that Purpose appointed.

Masters of Ships, &c. shall make Oath not to permit any Tobacco to be taken on Board, which shall not be stamp'd by some Inspector.

And if any Master shall take any Tobacco on Board, not stamp'd, he shall forfeit 20s. for every Hogshead, &c.

(a) This Penalty on Masters is enlarged, Anno 1732, Ch. 9. Sec. 3.

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of lawful Money for every Hogshead, Cask, or Case of Tobacco which shall not have been brought from one of the said public Warehouses, or which shall not be stamp'd as aforesaid: And every Hogshead, Cask, Box, Chest, or Case, or other Package, or Parcel of Tobacco, which shall be taken on Board any Ship or other Vessel, shall be forfeited.

To prevent
Frauds in run-
ning Tobacco
on Board.

IV. AND forasmuch as the permitting Tobacco in Bulk or Parcels to be (a) Water-born, on Pretence of being carried to some or other of the Warehouses established by this Act, may give great Opportunity to the clandestine Running the same on Board the Ships lying at or near the said Warehouses, whereby the Evil of exporting trash Tobacco may still be continued: For Remedy whereof,

All Tobacco
found on
Board any
Vessel, in Bulk
or Parcels,
forfeited, and
may be seized.

And the
Skipper shall
forfeit treble
the Value.

And every
Servant on
Board con-
cealing the
same, shall be
whipt.

If a Servant
be the Skip-
per, he shall
be whipt.

And if he of-
fend a second
Time, the
Person trust-
ing him, shall
forfeit treble
the Value.

And s. s. for
every Day he
shall employ
him after-
wards as a
Skipper.

But Tobacco
may be Wa-
ter-born from
one Planta-
tion to ano-
ther, to be
sorted, stem'd,
and prized, if
it be packed
in Hogsheads,
&c.

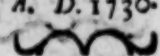
V. *BE it Enacted, by the Authority aforesaid*, That if any Person, taking upon him to carry any Tobacco to or from any of the said Warehouses, in his Sloop, Boat, or other Vessel, for Hire, shall presume to take on Board, or suffer or permit to be taken or put on Board, any Tobacco whatsoever, in Bulk or Parcels, such Tobacco shall not only be forfeited, and may be seized by any Person or Persons whatsoever, but such Master or Skipper offending herein, shall forfeit and pay Treble the Value of the Tobacco found on Board, in Bulk or Parcels: To be recovered before any Justice of the Peace of the *Quorum*, in the County where such Sloop, Boat, or other Vessel, shall be at the Time of such Discovery or Seizure. And moreover, every Servant, Slave, or other Person employed in navigating such Sloop, Boat, or other Vessel, who shall connive at, or conceal the taking or receiving on Board any such Bulk or Parcel of Tobacco, shall, by Order of such Justice, receive on his bare Back, Thirty Nine Lashes well laid on. And if such Sloop, Boat, or other Vessel, transporting Tobacco to or from the said Warehouses, be under the Care or Management of a Servant, who cannot satisfy and pay the Treble Value of the Bulk Tobacco or Parcel found therein, then such Servant, and every other Person employed under him, in navigating the said Sloop, Boat, or other Vessel, wherein such Bulk or Parcel of Tobacco shall be found, and who shall be guilty of conniving at, or concealing the taking on Board such Bulk Tobacco, shall, upon Complaint thereof made to any Justice of the Peace, have and receive, by Order of the said Justice, Thirty Nine Lashes, well laid on. And if such Servant shall be again trusted with the Care and Management of any Sloop, Boat, or other Vessel, and shall be convicted a second Time, of taking or receiving on Board the same, any Bulk or Parcel of Tobacco, contrary to the Directions of this Act, the Person who employed or entrusted such Servant with the Management of such Vessel, shall forfeit and pay Treble the Value of the Tobacco so taken or received on Board, in Bulk or Parcels: And shall also forfeit and pay Five Shillings for every Day he shall thereafter employ such Servant as Skipper or Master of any Sloop, Boat, or other Vessel to him belonging: To be recovered before any Justice of the *Quorum*, in the County where such Emploier resides; which said several Forfeitures to be to the Use of the Informer.

VI. *PROVIDED always*, That nothing herein before contained, shall be construed to prohibit any Person or Persons whatsoever, to put or take on Board any Sloop, Boat, or other Vessel, any Hogsheads, Casks, or Cases of Tobacco, to be Water-born to any Warehouse or Warehouses appointed by this Act; nor to prohibit the Owner of any Tobacco, to transport his Crops, or any Part thereof, from one Plantation to another, for the better handling and managing thereof; nor any Purchaser of Tobacco from bringing the same

(a) This Part of the Act is explained, Anno 1732, Ch. 9. Sec. 4.

by Water, to be repacked, sorted, stem'd, or prized, before the same be carried to the said Warehouses, so as the said Tobacco, to be transported by Water, be packed in Hogheads, Casks, or Cases.

A. D. 1730.



VII. *AND be it further Enacted*, That if the Skipper of any Sloop, Boat, or other Vessel, or other Person or Persons to whom the Care and Management thereof shall be intrusted, shall land or put on Shore any Hoghead, Case or Cask of Tobacco put on Board the same, to be carried to any public Warehouse, at any other Place or Places, than the Warehouse or Warehouses by this Act appointed for the Reception and Inspection of Tobacco, or at some or one of them, or the Wharf, or other Landing to such Warehouse or Warehouses belonging; or shall put the same on Board any other Vessel, or suffer the same to be done, so as the same be not delivered at some of the said public Warehouses, without Fraud or Imbezzlement; or shall open any Hoghead, Cask, or Case, so as aforesaid Water-born or landed, and take thereout any Tobacco, before the same be viewed by the said Inspectors, according to the Directions of this Act; or after the same hath been viewed, shall fraudulently open any Hoghead, Cask, or Case, and take thereout any Tobacco, every such Offence shall be adjudged Felony, and the Offender or Offenders shall suffer as in Case of Felony.

If any Person trusted to carry Tobacco to a public Warehouse shall land it at any other Place, or put it on Board any Ship, before it hath been delivered at some Warehouse, or shall open and take out any Tobacco before or after View, Felony.

VIII. *PROVIDED always*, That nothing herein before contained, shall be construed to prohibit the landing or putting on Shore any Hoghead, Cask, or Case of Tobacco, out of any Sloop, Boat, or other Vessel, which by Distress of Weather shall be forced on Ground, or become leaky, so as the said Landing be really and *bona fide* for the Preservation of the Tobacco laden in such Vessel: And that the same be with all convenient Speed carried thereafter to the Warehouse or Ship (as the Case shall be) to which it was designed, without Imbezzlement.

Unless they be forced by Weather on Shore, or the Vessel become leaky; in that Case, for the Preservation of the Tobacco, it may be landed.

IX. *PROVIDED nevertheless*, That if by any of the Accidents aforesaid, or Negligence of the Master or Skipper of any Vessel, any Tobacco which hath been viewed and stamped, shall, in its Carriage to the Ship in which it is intended to be exported, receive so much Damage as that the Master of such Ship will not receive it on Board, every Hoghead, Cask, or Case of Tobacco so damnified, shall, with all convenient Speed, be carried to some Warehouse appointed by this Act, and there lodged, until the Owner of the said Tobacco, or Master of the Vessel in which it was damaged, shall have separated the same, and repacked the good Tobacco; and then the same shall be viewed and stamped by the Inspectors attending such Warehouse, without Fee or Reward.

If it receive Damage in carrying from a Warehouse to the Ship, so that the Master will not receive it on Board, it shall be carried back to some Warehouse to be repacked and delivered out again.

X. *AND be it further Enacted, by the Authority aforesaid*, That all Tobacco which shall be brought to any Warehouse, herein after mentioned, shall be viewed by (a) Three fit and able Persons, who are reputed to be skilful in Tobacco, to be appointed for that Purpose, by the Governor or Commander in Chief for the Time being, with the Advice and Consent of the Council; who shall be called Inspectors, and shall break every Hoghead, Cask, or Case of Tobacco, and diligently view and examine the same; and if they, or any Two of them shall agree, that the same is good, sound, well-conditioned, and merchantable, and free from Trash, Sand, and Dirt; and if in Leaf, tied up with a Leaf of equal Goodness, then such Tobacco shall be weighed

All Tobacco shall be viewed by Three Inspectors, appointed by Governor & Council.

Their Duty.

(a) Two Inspectors, instead of Three are appointed for each Inspection; and Provision made, in Case of their Difference in Judgment. Anno 1732. Ch. 9. Sec. 9.

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in Scales with Weights of the lawful Standard: And the said Inspectors, or One of them, shall stamp every such Hogshead, Cask, or Case, wherein is contained any Tobacco, by them so as aforesaid weighed, and allowed to be good, or shall cause the same to be done in their Presence, or the Presence of One of them, with the Name of the Warehouse at which such Hogshead, Cask, or Case of Tobacco shall be so stamp'd as aforesaid; and also shall stamp in like Manner thereon the Tare of the Hogshead, Cask, or Case, and Quantity of nett Tobacco therein contained. (a)

They shall give Notes for all Tobacco receiv'd.

Such Notes shall be current in all Tobacco Payments, in the same and adjacent Counties.

Inspectors shall allow 30 lb. of Tobacco for the Cask, of Tobacco brought to pay Debts.

And shall receive 5 s. of the Person to whom they pay it, for every Hogshead not weighing less than 800 nett.

And 30 lb. Tobacco for the Cask.

And 2 per Cent. for Wasting, if paid within 2 Months.

And 1 per Cent. for every Month after, so that it do not exceed 6 per Cent. in the Whole.

They shall be allowed, when they account, all Charges.

XI. *AND be it further Enacted, by the Authority aforesaid,* That if any Tobacco shall be brought to any of the said Warehouses for the Discharge of any public or private Debt or Contract, the said Inspectors, or One of them, after they have viewed, examined, and weighed the said Tobacco, according to the Directions of this Act, shall be obliged to deliver to the Person bringing the same, as many promissory Notes, under the Hands and (b) Seals of the said Inspectors, or the Stamp of the Warehouse to which the same shall be brought, as shall be required for the full Quantity of Tobacco received by them; in which shall be expressed, whether the Tobacco so received, be Sweet Scented, or Oronoko, Stem'd or Leaf: Which Notes shall be, and are hereby declared to be current and payable in all Tobacco Payments whatsoever, according to the Species expressed in the Note, within the County where such Inspectors shall officiate, or in any other County next adjacent thereto, and not separated therefrom by any of the great Rivers or Bay herein after mentioned; that is to say, *James River* below the Mouth of *Appamatox*, *York River* below *West Point*, *Rappahannock River* below *Talliaferro's Mount*, or by the great Bay of *Chesapeake*; and shall be transferrable from one to another, in all such Payments; and shall be paid and satisfied by the Inspector or Inspectors who signed the same, upon Demand: And for every Hogshead of Tobacco brought to any public Warehouse for the Discharge of any public or private Debt, in good Cask, of such Dimensions as are herein after expressed, there shall be allowed by the Inspectors thereof, to the Person bringing the same, (c) Thirty Pounds of Tobacco for the Cask: And for every Hogshead of Tobacco by them paid away, well lined, and nailed, fit for shipping, there shall be paid by the Person receiving such Hogshead, Five Shillings, so as such Hogshead so paid away and received, do not contain less than Eight Hundred Pounds of nett Tobacco, whether the same be Sweet Scented or Oronoko; who shall also allow Thirty Pounds of Tobacco to the Person demanding the same, for every Hogshead of Tobacco so received, for the Cask: And moreover there shall be allowed to the said Inspectors, by the Person taking the same away, Two Pounds of Tobacco for every Hundred Pounds of Tobacco so paid away as aforesaid, and proportionably for a less Quantity, for Shrinking and Wasting, if the said Tobacco be paid at any Time within Two Months after the Date of the Note given for the same; and One Pound of Tobacco per Hundred, for every Month the same shall be unpaid, after the said Two Months, so as such Allowance for Shrinking and Wasting, do not exceed, in the whole, Six Pounds of Tobacco *per Centum*.

XII. *AND for the better enabling the Inspectors to deliver out promissory Notes for Tobacco received, for the Discharge of any public or private Debt or Contract, and the Receipts to be given for Tobacco brought to their Warehouses to be viewed, and exported, on the proper Account of the Owners thereof, Be it Enacted, by the Authority aforesaid,* That the Inspec-

(a) The Duty of Inspectors is further declared, in several Particulars. Anno 1732. Ch. 9. Sec. 13.

(b) Inspectors Notes to be current without Sealing. Anno 1732. Ch. 9. Sec. 7.

(c) This Part is explained. Anno 1732. Ch. 9. Sec. 14.

tors, at the several Warehouses appointed by this Act, shall be allowed in their Accounts, all necessary Charges for providing printed Notes and Receipts, for the Purposes aforesaid.

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XIII. AND forasmuch as it is evident, that the Owners of Ships trading to this Country, will reap great Benefit by having Tobacco put on Board their Ships by the Inhabitants of this Colony, whereby the great Trouble and Delay in fetching the same on Board will be prevented, and the Charge of Craft, Wages and Provisions saved to them, in the Expence of each Voiage,

For preventing Delays in loading Ships,

XIV. BE it further Enacted, by the Authority aforesaid, (a) That no Master of a Ship or other Vessel, shall carry to any Warehouse, or fetch from thence, or any Place whatsoever, in any Boat or Vessel to him belonging, or in any Vessel man'd by the Sailors of the Ship or Vessel whereof he is Master, any Tobacco, to be shipped upon Freight, upon Pain of forfeiting Ten Pounds of lawful Money, for every Hogshead so carried, fetched, or put on Board: To be recovered by Action of Debt, in any Court of Record; One Moiety whereof shall be to our Sovereign Lord the King, his Heirs and Successors, to be applied towards defraying the Expence of the Execution of this Act, and the Other Moiety to the Person who will sue for the same. But all Tobacco, shipp'd on Board any Ship or Vessel whatsoever, shall be put on Board by, or at the Charge of, the Owners of the Tobacco respectively; for which a Reward of Four Shillings for every Hogshead so put on Board, shall be paid by the Master of such Ship or Vessel, on which the same shall be laden and put on Board.

No Tobacco shall be carried on Board by Sailors.

But all Tobacco shall be put on Board by the Owner, or at his Charge, who shall receive 4s. per Hogshead of the Master.

XV. PROVIDED always, and be it Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for any Master of a Ship or Vessel, to carry to, or fetch from, any of the Warehouses appointed by this Act, in Sloops, Boats, or other Vessels, provided by him, or by any Factor or Super-Cargo intrusted with the Freight of such Ship, and navigated by the Men belonging to such Ship or Vessel, any Hogshead, Cask, or Case of Tobacco, which shall be purchased by such Master, Factor, or Super-Cargo, for the particular Lading of such Ship or other Vessel, without incurring the Penalty aforesaid; so as such Hogshead, Cask, or Case, be duly viewed and stamped, before the same shall be received on Board for Exportation.

Unless the Tobacco be purchased for loading the Ship.

XVI. AND if any Inspector or Inspectors, by whom any such Note for Tobacco, as aforesaid, shall be signed, shall refuse or delay to pay and satisfy the same, when demanded, every Inspector so refusing or delaying, shall forfeit and pay to the Party injured, double the Value of the Tobacco so refused or delayed to be paid: To be recovered, with Costs, in any Court of Record within this Dominion. And if the Note or Notes, so refused or delayed to be paid, as aforesaid, do not amount to more than Two Hundred Pounds of Tobacco, the double Value of the Tobacco due thereon, shall and may be recovered before a Justice of the Peace of the County wherein the said Warehouse shall be, at which the same ought to have been paid; any thing herein before, or in any former Law, to the contrary contained, in any-wise, notwithstanding.

Inspectors refusing or delaying to pay their own Notes, shall forfeit double the Value to the Party injured.

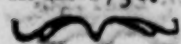
And if the Note doth not exceed 200lb. Tobacco, the Penalty may be recovered before a Justice of Peace.

XVII. AND be it further Enacted, That from and after the said First Day of August, all Tobacco whatsoever, which shall be due and payable, for any Public, County, or Parish Levies, and Tobacco for discharging of any Quit-Rents, or for Secretary's, Clerks, Sherifs, Surveyors, or other Officers

Quit-Rents and other Public Tobacco, shall be inspected and paid at a public Warehouse.

(a) This Clause is alter'd. Anno 1732. Chap. 1.

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Fees, shall be first inspected, according to the Directions of this Act, and paid by the Person or Persons from whom such Dues and Debts shall be due, owing, or payable, at some or one of the Public Warehouses herein after-mentioned, for the following (a) Allowances: That is to say,

Allowances
to the Persons
paying such
public Tob^o.
in the several
Counties of
the Colony,
by Inspectors
Notes.

FOR Tobacco due in the Counties of *Goocbland*, *Brunswick*, and the Upper Parishes of *Hanover* and *Spotsylvania*, the Person paying the same, shall and may retain in his own Hands, Thirty Pounds of Tobacco, for every Hundred so paid.

FOR Tobacco due in the County of *Princess Anne*, Twenty Pounds of Tobacco.

FOR Tobacco due in the Counties of *Henrico*, *Caroline*, *Nansemond*, and *Norfolk*, and the Lower Parishes of *Hanover* and *Spotsylvania*, Fourteen Pounds of Tobacco.

FOR Tobacco due in the Counties of *Prince George*, *Surry*, *Isle of Wight*, and *Prince William*, Twenty Pounds of Tobacco.

AND for Tobacco due in any other County, Ten Pounds of Tobacco, for every Hundred so paid, and proportionably for a less Quantity, and no more.

XVIII. AND the Sheriff, or other Collector, shall be allowed by the Creditor, Four Pounds of Tobacco, for every Hundred Pounds of Tobacco, and so proportionably for a greater or less Quantity, which he shall pay and discharge by Inspectors Notes, for any Quit-Rents, Secretary's, Clerks, Sheriffs, Surveiors, or other Officers Fees.

County
Courts and
Vestries shall
levy the Al-
lowances be-
fore mention-
ed, for all To-
bacco which
ought to be
paid conve-
nient. And
4 per Cent. for
collecting,
&c.

XIX. AND to the End, County and Parish Creditors, who, either by Law or Contract, ought to have their Tobacco paid them convenient, may not be prejudiced by the Abatements aforesaid, *Be it Enacted*, That during the Continuance of this Act, there shall be levied by the Courts of the several Counties, and Vestries of the respective Parishes, the several and respective Allowances herein before-mentioned, for all Tobacco which ought to be paid convenient; together with Four *per Cent.* for Collecting and Paying the same in Inspectors Notes. And where any Tobacco ought by Law to be paid with Cask, there shall be levied, during the Continuance of this Act, Four *per Cent.* for Cask, and no more.

Sherifs, and
other Collec-
tors shall dis-
charge all
public Debts,
by the same
Notes which
they receive.

XX. AND for a further Direction to the Sherifs and other Collectors, for Receiving and Paying the County and Parish Levies, Quit-Rents, and Officers Fees, *Be it Enacted, by the Authority aforesaid*, That the said Sherifs and Collectors, shall pay and discharge the Levies, Quit-Rents, and Fees aforesaid, to the several Persons to whom the same shall be due, by the same Notes which they shall receive in Paiment thereof.

All public
Tobacco-
Debts shall
be paid Year-
ly, before the
10th of April.

XXI. AND to the End, the Public, County, and Parish Levies, Secretary's, Clerks, and other Officers Fees, may be discharged in due Time, *Be it further Enacted, by the Authority aforesaid*, That during the Continuance of this Act, all Public, County and Parish Levies, Quit-Rents, Secretary's, Clerks, Sherifs, Surveiors, and other Officers Fees, payable in Tobacco, shall be paid and satisfied by the Persons chargeable with and indebted for the same, to the Sherifs, or other Collectors, by Inspectors Notes, before the

(a) These Allowances are settled. Anno 1732. Chap. 9. Sect. 8.

Tenth Day of *April*, Yearly. And if any Person, chargeable with the Dues or Fees aforesaid, shall neglect or refuse to pay the same, within the Time aforesaid, it shall and may be lawful to and for the Sherifs or other Collectors, immediately after the said Tenth Day of *April*, to distrain the Goods and Chattels of the Person or Persons so neglecting and refusing; and to sell and dispose thereof, for Tobacco, in the same Manner as is directed by Law for Goods taken in Execution; and the Overplus (if any be) after paying the said Dues or Fees, and the Charges of Distress, which is hereby declared to be the same as for serving an Execution, shall be returned to the Debtor.

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Otherwise
may be dis-
trained, and
the Distress
sold.

XXII. *PROVIDED* always, That where any Goods or Chattels shall be distrained, for Non-Payment of Quit-Rents, such Goods and Chattels shall only be redeemed by Payment of *Sterling* Money, or Bills of Exchange, for so much as the said Quit-Rents amount to: And if not redeemed, the Sheriff shall sell the same for *Sterling* Money, or Bills of Exchange; and account to the Creditor accordingly.

If Distress be
made for Quit
Rents, Goods
shall only be
redeemed by
paying *Sterling*
Money.

XXIII. *AND* be it further Enacted, by the Authority aforesaid, That the Sherifs, or other Collectors of the said Levies or Fees, shall, before the Last Day of *April*, Yearly, pay and deliver to each Creditor, according to their respective Debts and Claims, all the Inspectors Notes he or they have received, in Satisfaction thereof. And if any Sheriff or other Collector, shall refuse or delay to make Payment accordingly, if required, he or they so refusing or delaying, shall forfeit and pay to the Party grieved, double the Value of the Tobacco so refused or delayed to be paid: To be recovered, with Costs, in any Court of Record within this Dominion.

Sherifs, and
other Collec-
tors shall de-
liver all the
Inspectors
Notes they
shall receive,
to the several
Creditors, un-
der a Penalty,
before the last
Day of *April*.

XXIV. *AND* be it further Enacted, by the Authority aforesaid, That during the Continuance of this Act, nothing shall be accounted a lawful Tender, to discharge any Debt, Contract, or Duty, payable in Tobacco, unless Payment of the same be tendred in Inspectors Notes.

No Tender
of Tobacco
shall be law-
ful, but by
Inspectors
Notes.

XXV. *AND* for Preventing the clandestine Transportation of bad and unmerchantable Tobacco, from this Colony, to the Province of *Maryland*, Be it Enacted, by the Authority aforesaid, That no Tobacco whatsoever, of the Growth or Production of this Colony, shall, during the Continuance of this Act, be transported, or carried into the Province of *Maryland*, either by Land or Water, until the same hath been first viewed, examined, and stamp'd, at one or other of the Warehouses herein after-mentioned. And if any Person or Persons whatsoever, shall presume to carry or transport, or cause to be carried or transported, any Tobacco not viewed and stamp'd, as aforesaid, to the said Province of *Maryland*, every Hogshead, Cask, Case, Parcel, or Package, shall be forfeited; and may be seized, by any Person or Persons who shall discover the same, to his or their proper Use; and the Owner or Owners of such Tobacco, shall also forfeit and pay Twenty Pounds Current Money, for every Hogshead, Cask, or Case of Tobacco, so transported or carried, as aforesaid. And for every Hundred Weight of Tobacco so transported or carried in Bulk, or in Parcels, Forty Shillings of like Money: Both which said Forfeitures shall and may be recovered, by any Person or Persons who will inform or sue for the same, in any Court of Record within this Dominion: In which Actions and Suits, it shall and may be lawful, to and for the Court where the same shall be depending, to issue a *Dedimus Potestatem*, or Commission, to any Persons residing in the said Province of *Maryland*, to take the Depositions of Witnesses, in the said Province; which said Depositions so taken and returned, shall be allowed as good Evidence on the Trial. And if any Action or Suit shall be commenced against any Person or Persons, for seizing any Tobacco trans-

Penalty upon
Persons carry-
ing Tobacco
clandestinely
into *Mary-*
land.

A. D. 1730.

transported, or intended to be transported to *Maryland*, contrary to the Directions of this Act, it shall and may be lawful, to and for the Defendant or Defendants to plead the General Issue, and give this Act, and the special Matter, in Evidence: And if the Plaintiff or Plaintiffs shall be nonsuited, suffer a Discontinuance, or a Verdict pass against him, her, or them, the Defendant or Defendants shall recover double Costs.

Scales and Weights shall be provided by the Treasurer.

XXVI. AND forasmuch as it is necessary, that a sufficient Number of Scales and Weights for putting this Act in Execution, be speedily provided, *Be it Enacted, by the Authority aforesaid*, That the Treasurer of this Dominion, out of the Public Money in his Hands, shall, and he is hereby empowered and directed, to provide as many Scales, with the Weights for each Pair, to weigh Twelve Hundred Pounds nett at least, as shall be wanting to supply each Warehouse appointed by this Act, with one Pair of Scales, and the Weights necessary for the same: And that the Purchase-Money of the said Scales and Weights, and the necessary Charges thereon, shall be repaid to the said Treasurer, out of the Money arising by Virtue of this Act. And that for all Nails used by the said Inspectors, at the respective Warehouses, for nailing and securing the Tobacco to be shipp'd from thence, the Price thereof shall be allowed to the said Inspectors, in passing their Accounts with the Treasurer.

Inspectors to be allowed for the Expence of Nails.

All Tobacco approved by the Inspectors, shall be stamp'd, and the Inspectors shall give Receipts, and take of the Owners 3 s. per Hoghead.

XXVII. AND be it further Enacted, by the Authority aforesaid, That all Tobacco brought to any of the said Warehouses, in Hogheads, Casks, or Cases, to be exported, on the Account and for the Use of the Owners thereof, after the same shall have been examined, viewed, and weighed, and found to be good, shall be stamp'd, as is herein before directed: And the said Inspectors, or One of them, shall deliver to the Person bringing the same, as many Receipts, signed, sealed, or stamp'd, as aforesaid, as shall be required, for the Number of Hogheads so brought and stamp'd. And for every Hoghead, Cask, or Case of Tobacco, brought to any of the said Warehouses, to be exported, on the Account and for the Use of the Owners thereof, there shall be paid to the Inspectors there attending, Three Shillings lawful Money, for viewing, examining, stamping, and nailing.

Against mixing trash with stem'd Tobacco, & unsizeable Cask.

No stem'd Tobacco not laid straight, nor Casks exceeding 48 Inches in the Length of the Stave, or 30 Inches at the Head, shall pass.

XXVIII. AND, for Restraining the undue Practice of mixing trash with stem'd Tobacco, and Preventing the Packing Tobacco in unsizeable Cask, *Be it Enacted and Declared*, That all stem'd Tobacco, not laid straight, whether the same be packed Loose, or in Bundles; and all Tobacco packed in Hogheads, which exceed Eight and Forty Inches in the Length of the Stave, or Thirty Inches at the Head, within the Croes, making reasonable Allowance for Prising, which Allowance shall not exceed Two Inches above the Gage, in the prising Head, shall be accounted unlawful Tobacco, and shall not be passed or received; but the Owner of such Tobacco, packed in Cask of greater Dimensions than is herein before expressed, shall be obliged to re-pack the same in sizeable Casks, at his own Cost and Charge, before the same shall be stamp'd by the said Inspectors.

Tobacco refused by the Inspectors, shall be re-packed at the Warehouse, or burnt.

XXIX. AND be it further Enacted, by the Authority aforesaid, That when any Tobacco shall be brought to any of the said public Warehouses, and refused by the said Inspectors there officiating, the Owner of such Tobacco shall not be permitted to take or carry away the same from the Warehouse to which the same shall be brought; but the said Inspectors shall permit and suffer the Owner of such Tobacco, or other Person bringing the same, to sort and separate the Tobacco so refused, in the same Warehouse, without demanding any Fee or Reward; and so much of the said Tobacco as shall be separated

rated and taken apart from the rest, as bad, unsound, or unmerchantable Tobacco, shall, in the Presence of the said Inspectors there officiating, or of One of them, be immediately burnt: And if any Owner of, or other Person, bringing such Tobacco so refused, will not sort and separate the same, then every such Hogshead, or Parcel of Tobacco, shall be immediately burnt, as is herein before directed. A. D. 1730.

XXX. AND if any Tobacco packed in Cask by an Overseer, or the Hands under his Care, shall be burnt by the said Inspectors, by the Reason of its being bad, unsound, or not in good Condition, the Overseer who had the Care of making and packing the same, shall bear the Loss of the Tobacco so burnt, and make Satisfaction for the same out of his Share of the Crop, or otherwise.

Overseers liable for all Damage, if they suffer bad Tobacco to be packed.

XXXI. AND, to the Intent the just Quantity of Tobacco exported, may be the more exactly known, and all evil Practices to defraud His Majesty of his Customs prevented, *Be it further Enacted, by the Authority aforesaid,* That the said Inspectors, at the several public Warehouses of which they are appointed, shall carefully enter, in a Book to be provided and kept for that Purpose, the Marks, Numbers, gross, nett Weight and Tare, of all Tobacco viewed and stamped by them as aforesaid, and in what Ships or Vessels the same shall be laden or put on Board: And shall also, with every Sloop-load, or Boat-load of Tobacco, send a Lift of the Marks, Numbers, gross nett Weight and Tare of every Hogshead of Tobacco then delivered, to be given to the Master of the Ship or Vessel in which the same shall be put on Board. And if the Tobacco delivered to the same Sloop or Boat, is intended to be put on Board several Ships or Vessels, then he shall deliver so many distinct and several Lifts, as aforesaid, of the Hogsheads to be put on Board each Ship or Vessel respectively: Which Lifts, every Master of a Ship or Vessel is hereby required to produce to, and lodge with the Naval Officer of the District where the Ship or Vessel whereof he is Master shall ride, or by whom she shall be cleared, sometime before her Clearance: And shall also, at the Time of Clearing, deliver to the said Naval Officer, Two fair Manifests of all the Tobacco on Board his Ship or Vessel, expressing the Marks and Numbers of every Hogshead, the Tare and nett Weight stamp'd thereon, the Person by whom shipp'd, and from what Warehouse; and shall make Oath there-to, and that the same is a just and true Account of the Marks, Numbers, Tare, and nett Weight of each respective Hogshead, as the same was taken down by the Person or Persons appointed by him to take the same, before the said Tobacco was stowed away. And no Ship or Vessel shall be cleared by the Naval Officer, before he shall have received such Lifts and Manifests: One of which said Manifests shall, by the said Naval Officer, be annexed to such Master's Certificate or Clearance, to the End the same may be delivered to the Chief Officer of the Customs, in such Port or Place where the said Ship shall unlade; and the Other of the said Manifests, shall, by the said Naval Officer, be transmitted to the said Chief Officer of the Customs, by the next convenient Opportunity.

For preventing Frauds in the Customs.

Weights of all Tobacco shall be entered in Books.

Particular Accounts thereof to be sent on Board Ships, with the Tobacco.

Which the Master shall produce to the Naval Officer; together with a Manifests.

One of which shall be annex'd to the Clearance of the Ship; and the other transmitted by the Naval Officer, to the Chief Officer of the Customs of the Port, where the Ship shall unlade.

XXXII. *AND be it also Enacted,* That the Inspectors of every public Warehouse, shall, Annually, before the Sixth Day of July, during the Continuance of this Act, deliver, or cause to be delivered, a Report or Manifest, signed by them, of the Marks, Numbers, gross, nett Weight, and Tare, of all Tobacco view'd and stamp'd at the respective Warehouses under their Inspection, and in what Ship or Ships, or other Vessels, the same were laden or put on Board, to the Naval Officers of the Districts in which such Ships or Vessels were laden respectively; who shall transmit the same, and a Duplicate there-

The Inspectors shall likewise, annually send Accounts of the Marks, Numbers, Weights, and Tare, of all Tobacco, to the Naval Officer, to be transmitted of,

A. D. 1730.

by him, to the
Commissioners
of the
Customs.

of, without Delay, to the Commissioners of His Majesty's Customs. And the like Reports or Manifests, shall be, by the said Inspectors, delivered to the respective Naval Officers of the several Districts, if any Tobacco shall be shipp'd from their Warehouses after the said Sixth Day of July, Yearly, as soon as all the Tobacco shall be delivered out of such Warehouses.

Inspectors
shall take an
Oath.

And enter in-
to Bond, with
Security, for
the faithful
Execution of
their Office.

And shall at-
tend constant-
ly, from the
10th of 9ber,
to the last of
June, except
Sundays, &c.

XXXIII. *AND be it further Enacted, by the Authority aforesaid,* That every Person who shall be appointed an Inspector of Tobacco, pursuant to this Act, shall, before he enters upon the Execution of that Office, make Oath, before the Governor or Commander in Chief for the Time being, "Carefully
"to view and examine all Tobacco brought to any public Warehouse whereof
"he is appointed an Inspector; and to the best of his Skill and Judgment,
"not to receive any Tobacco prohibited by this Act, or that is not sound,
"well-conditioned, and, in his Judgment, clear of Trash, Sand, and Dirt;
"and faithfully to discharge the Duty of his Office, according to the Direc-
"tions of the same, without Favour, Affection, Partiality, or other By-Re-
"spect." And shall also enter into Bond, with good Security, in the Pe-
nalty of One Thousand Pounds of lawful Money, payable to our Lord the
King, his Heirs and Successors; with Condition, for the true and faithful
Performance of his said Office and Trust, according to the Directions of this
Act. And every Inspector so appointed, shall constantly attend at some or
one of the Warehouses under his Charge, from the Tenth Day of November,
until the Last Day of June, in every Year, to receive and inspect Tobacco,
(except Sundays, and the Holy-Days observed at Christmas, Easter, and
Whitsuntide, or when otherwise hindered by Sicknefs) and no Tobacco shall
be received after that Time, until the Tenth of November following: But
the said Inspectors, or One of them, shall, at any Time (except as herein
before is excepted) upon Application to them made, deliver any Tobacco
for Exportation, by them before received.

Inspectors
Tobacco shall
be viewed by
the other 2
Inspectors.

If they can't
agree, an In-
spector to be
called in from
the next
Warehouse.

XXXIV. *AND be it further Enacted,* That when any Inspector shall bring his own Tobacco to the Warehouse whereof he is an Inspector, the same shall not be passed or stamped, unless it be first viewed, examined, and found good, sound, and merchantable, according to the Directions of this Act, by the other Two Inspectors, attending at such Warehouse: And, if upon such View they disagree, then an Inspector shall be called from the next adjacent Warehouse or Inspection, to determine concerning the Quality of the said Tobacco: And the like Method shall be observed therein, as herein before is prescribed for the passing or refusing other Tobacco brought to the said Warehouses.

XXXV. *AND to the End,* the said Inspectors may not be induced, from any private Advantage, to stamp or receive any bad and unmerchantable Tobacco; and may have a sufficient Encouragement and Compensation for discharging the said Office, with Integrity and Application,

Every Inspec-
tor shall be
allowed 60 l.
per Ann. be-
sides Expens-
ces, &c.

And shall ac-
count with the
Treasurer, for
all Monies re-
ceived.

XXXVI. *BE it further Enacted,* That every Inspector of Tobacco, for so long Time as he shall act in Execution of that Office, shall be paid for his Trouble, and necessary Expence, (a) Sixty Pounds *per Annum*: And every Inspector shall Annually, or oftner, during his Continuance in that Office, account for, and pay to John Holloway, Esq; Treasurer of this Colony, or to the Treasurer of the Colony, for the Time being, to be appointed by the General Assembly, to be by him accounted for to the General Assembly, (the

(a) The Inspectors Salaries are altered, and more equally settled: And this Part of the Act, relating thereto, Repealed. Anno 1732, Ch. 9. Sec. 10.

saïd Inspector's Salary, Warehouse-Rent, and such Expences, as he, or they shall make appear to have been disbursed, for Nails, and printed Notes and Receipts, being first deducted,) all Sums of Money, Fees, and Profits, which he hath received, or have been paid to him, by Virtue of this Act, (except the before-mentioned Allowances, for Shrinking and Wasting of Tobacco;) and shall make Oath to the Truth and Justness of the same. And if any Inspector shall be removed from the saïd Office, he shall forthwith account, in Manner as is herein before directed.

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XXXVII. AND if the Money received by the Inspectors of any of the Warehouses aforesaid, shall not be sufficient to pay the Salaries, and other incident Charges herein before-mentioned, such Deficiency shall be made good, and paid out of the General Fund, arising by the Profits of the other Warehouses; and if that should prove deficient, then the saïd Salaries and Charges shall be satisfied and paid out of any other public Money, in the Hands of the Treasurer for the Time being. And no Inspector, during his Continuance in that Office, shall take, accept, or receive, directly, or indirectly, any Gratuity, Fee, or Reward, for any Thing by him to be done, in Pursuance of this Act, other than his Salary, and the other Paiments and Allowances herein before mentioned and expressed: And if any Inspector shall take, accept, or receive, any such Gratuity, Fee, or Reward, every such Inspector, being thereof convicted, shall forfeit and pay Fifty Pounds Current Money: To be recovered, with Costs, by any Person or Persons, who shall inform, or sue for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion: And moreover shall be disabled from holding the Place or Office of an Inspector, during the Continuance of this Act. And if any Person or Persons shall offer any Bribe, Reward, or Gratuity, to any Inspector, for any Thing by him to be done, in Pursuance of this Act, other than the Fees and Allowances herein before directed and appointed, every Person so offending, and being thereof convicted, shall, for every such Offence, forfeit and pay the Sum of Ten Pounds Current Money: To be recovered in any Court of Record within this Dominion: One Half of which saïd Forfeitures shall be to our Sovereign Lord the King, to and for the Use of such Inspector, refusing such Bribe or Reward; and the Other Half to the Person or Persons, who will inform, or sue for the same.

Deficiency
to be made
good.Penalty up-
on taking any
Gratuity.

XXXVIII. AND, to prevent any Suspicion of the saïd Inspectors taking to themselves the best of the Tobacco that may be brought to the saïd Warehouses, at which they officiate, no Inspector, during the Time of his being such, shall, directly or indirectly, for himself, or any other Person, buy, or receive, by Way of Barter, Loan, or Exchange, any Tobacco whatsoever, under the Penalty of forfeiting Twenty Pounds for each Hogshead, Cask, or Case of Tobacco, so bought, or received.

No Inspector
to trade.

XXXIX. *PROVIDED always*, That nothing herein contained, shall be construed to prohibit any Inspector from receiving his own proper Debts, or Rents in Tobacco, which shall be first viewed, examined, and stamp'd, at any Warehouse under his Inspection.

But may re-
ceive his own
Debts.

XL. *AND be it further Enacted, by the Authority aforesaid*, That if any Inspector shall stamp any Hogshead, Case, or Cask of Tobacco, which shall be found to contain any bad or unsound Tobacco, or trash, or not well packed, every Inspector, so stamping such Hogshead, Case, or Cask of Tobacco, shall forfeit and pay, for every Hogshead, Case, or Cask of Tobacco

Inspector
stamping any
bad Tobacco,
shall forfeit
10*l.* for every
Hogshead,
&c.

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so stamp'd, the Sum of (a) Ten Pounds of lawful Money: Which said Penalty shall and may be recovered, with Costs, against the said Inspectors who stamp'd such Hogshead, Case, or Cask of Tobacco, by Action of Debt, Bill, Plaint, or Information, by him, her, or them, who will inform and sue for the same, wherein no Effoin, Protection, Privilege, or Wager of Law, shall be allowed: And the Court, where such Suit shall be depending, shall and may proceed therein, without Regard to the Form or Manner of the Proceedings, so as sufficient Substance be set forth, for such Court to proceed to Judgment.

And when they pay any Tob^o, they shall be obliged to open it.

The Method to be taken, if it be refused.

If Tobacco tendred by Inspectors, shall be refused, they shall not tender any other Tobacco till that hath been viewed.

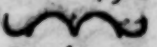
And if they do not produce the same Tobacco, that shall be a Conviction of its being bad.

XLI. AND when any Person shall be entitled to receive a Hogshead of Tobacco, on any Inspectors Notes, they shall be obliged to open the Hogshead, and shew such Tobacco to the Person demanding the same, if required. And if such Person shall refuse to accept of the Tobacco so offered, or tendred in Paiment, by an Inspector, as bad, unsound, or unmerchantable, such Person so refusing, or not accepting thereof, shall make immediate Application to any Three Justices, near or nearest to the Warehouses, at which the Tobacco, so refused, shall be offered, or tendred in Paiment, who are no way related to the Parties, nor concerned in Interest. And the said Justices shall take an Oath, before some other Justice of the Peace of the said County, (which Oath, such Justice is hereby impowered and required to administer,) carefully to view and examine the said Tobacco; and to the best of their Skill and Judgment, not to pass any Tobacco that is not sound, well-conditioned, and merchantable, according to the Directions of this Act, and clear of Trash, Sand, and Dirt; and that they will therein do their Duty, according to their Judgment and Conscience, without Favour, Affection, Partiality, or other By-Respects: Which said Three Justices so sworn, are hereby directed, impowered, and required, upon such Application, to repair to the said Warehouse, whereat such Tobacco shall be tendred or offered in Paiment; and carefully to view and examine the same, in such Manner as they shall think fit. And if any Two of them shall adjudge the Tobacco so tendred, or offered in Paiment, to be bad, unsound, and unmerchantable, according to the Directions of this Act, to cause the same to be immediately burnt, and to take Wood for that Purpose. And for their Trouble, the said Three Justices, who shall be present at such View, shall be paid by the Inspector or Inspectors, who offered, or tendred the same in Paiment, Five Shillings each. And if the said Justices, or any Two of them, shall adjudge the Tobacco so tendred or offered in Paiment, to be good, sound, and merchantable, according to the Directions of this Act, the said Justices so attending, shall be paid, by the Party desiring such View, Five Shillings as aforesaid. And when any Tobacco shall be tendred or offered in Paiment by an Inspector, and refused, the said Inspectors, or any of them, shall not be at Liberty to tender or offer in Paiment, nor the Person demanding the same, to receive, any Tobacco, in Lieu thereof, before such Tobacco shall have been viewed, as aforesaid; but the Person refusing, shall immediately mark the same. And if any Inspector shall offer or tender in Paiment, any Tobacco, in Lieu of the Tobacco so refused, before the same shall have been viewed, as aforesaid; or shall not produce the same Tobacco so refused, to the said Justices; in either Case, it shall be taken for a Conviction, that the Tobacco so tendred, or changed, is bad, unsound, or unmerchantable: And every such Inspector shall be liable to the Penalties herein before mentioned, for stamping bad, unsound, or trash Tobacco.

(a) This Clause, which inflicts a Penalty of 10 l. per Hogshead on the Inspectors, for stamping bad Tobacco, is Repeal'd; it being judg'd, that the Inspectors Oath, and the Loss of the Tobacco, if condemn'd, are sufficient Restraints on them. *Vid. Anno 1732. Ch. 9. Sec. 9.*

XLII. AND

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Penalty upon forging or counterfeiting any Note, Receipt, or Stamp.

XLII. *AND be it further Enacted, by the Authority aforesaid, That* if any Person whatsoever, shall forge or counterfeit the Note, Receipt, or Stamp, of any Inspector, or tender in Payment any such forged or counterfeited Note, knowing it to be such; or export, or cause to be exported, any Hogshead, Cask, Case, Box, Chest, or other Package of Tobacco, stamp'd with a counterfeit or forged Stamp; or demand Tobacco of any Inspector, upon any such forged or counterfeit Note or Receipt, knowing the Note or Receipt so tendred, or whereupon the Tobacco shall be demanded, or the Stamp upon such Hogshead, Cask, Case, Box, Chest, or other Package, to be forged or counterfeit; or shall put or pack into any Hogshead, Cask, or Case of Tobacco, stamp'd by any Inspector, any Tobacco whatsoever; or shall draw, or take out any Stave, Plank, or Heading-Board of any Hogshead, Cask, or Case of Tobacco, stamp'd as aforesaid, and fix the same in any other Hogshead, Cask, or Case of Tobacco, after such Hogshead, Cask, or Case shall be delivered out, at the said public Warehouse, every Person so offending, being thereof convicted by due Course of Law, shall be adjudged a Felon, and shall suffer as in Case of Felony.

XLIII. *AND for settling the Number of public Warehouses, and appointing the Places where the same shall be kept, pursuant to this Act, Be it Enacted, and Declared, That a public Warehouse or Warehouses shall be kept, and the same are hereby appointed to be kept at the following Places: (To wit,)*

The several public Warehouses appointed.

FOR the Counties of Goochland, and Henrico; at Warwick, upon Howlet's Land; and Shockoe's, upon Col. Byrd's Land, under one Inspection.

AT Bermuda Hundred, upon William Eppes's Lots; and Turkey Island, upon Col. Randolph's Land, in Henrico County, another Inspection.

IN Prince George; at Appamatox Point, upon Col. Bolling's Land; on Col. Robert Mumford's Land; and Powel's Creek, upon Mr. Bland's Land, under one Inspection.

AT Cabbin Point, in Surry; and Merchants Brandon, in Prince George County, under one Inspection.

AT Gray's Creek, in Surry, where the Agents Houses were; and Warricksqueak Bay, in Isle of Wight County, under one Inspection.

AT Swineberd's, and Mr. John Soan's, in Charles-City County, under one Inspection.

AT Waynwright's Landing, Isle of Wight; and Laurence's, in Nansemond County, under one Inspection.

AT the Widow Constance's, and Sleepy-Hole Point, in Nansemond County, under one Inspection.

AT Norfolk Town, upon the Fort Land, in the County of Norfolk; and Kemp's Landing, in Princess Anne, under one Inspection.

AT Hampton, in Elizabeth City, upon Mr. Miles's Lot; at Warwick Town, in the County of Warwick, upon Mr. Gough's Lots; and at Charles River, Roe's Storehouse, in the County of York, under one Inspection.

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A T *Hog-Neck*, in *James-City* County; and at *Taskanask*, in *New Kent*, upon *William Morris's* Land; and the *Colledge*, and *Capitol* Landings, upon *Mr. Holloway's* Land, under one Inspection.

A T the Town of *York*, where the Agents House was; and at *Gloucester* Town, upon *Capt. Hannar's* Land, under one Inspection.

A T *Deacon's Neck*, and *Poropotank*, in *Gloucester* County, where the Agents House was, under one Inspection.

A T *Crutchfield's*, upon *Col. Page's* Land; and *Mr. David Meriwether's*, in *Hanover* County, under one Inspection.

A T *Todd's*, in *King* and *Queen*; and *Aylett's* Warehouse, in *King William* County, under one Inspection.

A T *John Quarle's*, in *King William*; and at *Mantapike*, and *Shepherd's*, in *King* and *Queen* County, under one Inspection.

A T *Chamberlain's*, in *New Kent*; and *Williams's* Ferry, in *King William*, under one Inspection.

A T *Urbanna*, where the Agents House was; and *Major Kemp's*, in *Middlesex* County, under one Inspection.

A T *Hobb's Hole*, upon the Land of *James Griffin*; and at *Bowler's* Ferry, upon *Adams's* Land, in *Essex*, under one Inspection.

A T *Naylor's Hole*, upon *William Fantleroy's* Land, where his *Prise-Houses* now are; and the Mouth of *Totaskey*, at *Newman Brokenbrough's* Landing, in *Richmond* County; both under one Inspection.

A T *Layton's*, in *Essex*; upon *Maddox* Creek, at *Martin's*, in *Westmoreland*; and *Bray's* Church, in *King George* County, under one Inspection.

A T *Falmouth*, upon *Mr. Todd's* Lots, in *King George*; and at *Fredericksburg*, upon *Mr. Francis Willis's* Lots, in *Spotsylvania* County, under one Inspection.

A T *William Glascock's* Landing, in *Richmond*; and at the *Rolling House*, upon *Deep* Creek, in *Lancaster* County, under one Inspection.

A T *Corotoman*, at *Queen's* Town, where the Agents Houses were; and on the Land where the *Widow Davis* lives, in *Lancaster*; and the *Indian* Creek, at the *Warehouses*, in *Northumberland* County, under one Inspection.

A T *Wiccocomico*, at *Robert Jones's*; and at *Coan*, at the *Warehouses* in *Northumberland*, under one Inspection.

A T *Nominy*, upon *Patrick Spence's* Land; and *Yeocomico*, at the *Warehouse*, in *Westmoreland* County, under one Inspection.

A T *Boyd's Hole*, upon *Col. Fitzhugh's* Land; and *Marlborough* Town, in *Stafford* County, under one Inspection.

A T

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AT *Quantico*, upon *Robert Brent's* Land; and great *Hunting Creek*, upon *Broadwater's* Land, in *Prince William* County, under one Inspection.

AT *John Roy's*, and *Mr. Francis Conway's*, in *Caroline*; and at *Gibson's*, in *King George* County, under one Inspection.

AT *Cherrystone's*, at *John Waterfons*; at *Nasswaddock's*, at the *Joiner's* Landing; and at *Hungers*, at *George Harmanfon's*, in *Northampton* County, under one Inspection.

ON the Head of *Pungoteague*, at *Addison's* Landing; at *Pitt's* Landing, upon *Pokomoke*; at *Guilford*, at *Mr. Andrews's* Warehouse Landing, in the County of *Accomack*, under one Inspection.

XLIV. AND that the said Warehouses, at the Places aforesaid appointed, are the public Warehouses, meant and intended by this Act, and no other. And the Clerks of the respective County Courts are hereby impowered and required to issue, and the Sheriff duly to execute, one or more Summons or Summons's, to the Proprietor or Proprietors of the Land, whereat such public Warehouse or Warehouses is, or are appointed to be kept; or if such Proprietor or Proprietors be under Age, Feme Covert, or out of the Country, to the Guardian, Husband, or known Attorney, as the Case is, to appear before Commissioners, by the Governor or Commander in Chief, for the Time being, for that Purpose to be appointed, at the County Court-House, on such Days, as the said Commissioners shall appoint; whereof public Notice shall be given, by setting up a Note, in Writing, at the Door of every Church, and Chapel, at least Two Sundays, or Sermon Days, before the Day appointed; and declare, whether they will erect and build such Warehouse or Warehouses, as by the said Commissioners shall be directed, and a good (a) Wharf at the Landing adjoining thereto: And the said Commissioners, before the Proprietor of the Land be called in, are hereby impowered and required to settle such a reasonable Yearly Rent to be paid by the Inspectors, and allowed them, on passing their Accounts, as aforesaid, as to them shall seem meet. And if the Proprietor, Guardian, or known Attorney, as the Case is, shall appear, and undertake the building such Storehouse or Storehouses, and Wharf, the said Commissioners are hereby required to take Bond to the Governor or Commander in Chief of this Colony, for the Time being, for the due Performance of the said Undertaking; and shall return all Bonds by them so taken to the Secretary's Office.

These declared to be the Warehouses meant and intended by this Act.

Owners of Lands, where Warehouses are to be built, to be summoned to appear before Commissioners, to declare whether they will build the Warehouses. The Commissioners shall settle the Rent.

If the Owners of the Land agree to build, the Commissioners shall take Bond for performing their Agreement.

XLV. PROVIDED always, That the several Commissioners appointed in Pursuance of this Act, shall, and are hereby required, before they enter upon the Execution of their said Office, to take an Oath, before the Court of the County wherein they are to officiate, faithfully, justly, and impartially to execute the Trust reposed in them, according to the best of their Understanding and Conscience.

Commissioners shall take an Oath.

XLVI. AND be it further Enacted, by the Authority aforesaid, That if the Proprietor of any Land, whereon a public Warehouse is appointed to be kept, shall refuse to erect and build a good substantial Warehouse or Warehouses, according to the Directions of the said Commissioners, and a good Wharf at the Landing adjoining thereto; and to let the same to the Inspectors

If the Owner refused to build, the Commissioners shall value an Acre of Ground, and the Inspectors

(a) The Commissioners are required to provide all necessary Conveniences at the Warehouses.
Anno 1732. Chap. 9. Sect. 12.

A. D. 1730.

may build up-
on it, paying
the Value of
the Land, to
the Owner, &
shall be sei-
sed. &c.

And if no
Person will
build, the
County Court
shall cause the
Houses, &c. to
be built, and
the Rent shall
be paid to the
County.

And if any
Warehouse be
discontinued,
the Proprietor
of the Land,
returning the
Price of the
Ground, shall
be seized of
his former
Estate.

Commission-
ers have no
Power to take
away Houses,
Orchards, &c.

Inspectors
shall not be at
Liberty to
keep any Hor-
ses, Cattle, or
Swine, at any
of the Ware-
houses, but
such as shall
be kept inclo-
sed. And all
Swine kept,
contrary to
this Act, may
be kill'd.

Losses sus-
tained by Fire,
to be made
good by the
Public.

Continuance
of the Act.

tors at a reasonable Rent, to be adjudged as aforesaid; that then it shall be lawful for the said Commissioners, and they are hereby required, to value an Acre of the said Land, for the Use aforesaid: And if the said Inspectors, or any other Person, shall pay, or tender, to the Proprietor of the said Land, the Value thereof, according to such Valuation, and will erect thereon a Storehouse or Storehouses, and Wharf, in Manner above directed; such Inspector, or other Person, paying the Value of the said Land, and building thereon, as aforesaid, shall be from thenceforth possessed of the said Land, to him and his Assigns, during the Time such Place shall be made Use of for a public Warehouse. And in Case the Proprietor of the said Land, or any other Person, will not build such Warehouse or Warehouses, and Wharf, on the said Land, and let the same to the Inspectors; that then it shall and may be lawful, for the Court of that County, and they are hereby required, to pay, or tender, to the Proprietor of the said Land, the Value thereof, according to such Valuation; and to cause to be built thereon, such Warehouse or Warehouses, and Wharf; and to levy the Charge thereof, upon the Inhabitants of their County: And shall take and receive the Yearly Rent established for such Warehouse or Warehouses, which shall be paid by the Inspectors thereof, for reimbursing the County the Charge of Purchasing the said Land, and Building thereon. And from thenceforth, the Justices of the said County, shall be possessed of the said Lands and Tenements, to them and the succeeding Justices, to the Use of the said County, during the Time such Place shall be made use of for a public Warehouse. And if it shall happen, that any of the Places herein before appointed for public Warehouses, shall be discontinued, the Proprietor of the Land, returning the Price paid for the Acre on which such Warehouse was built, shall be from thenceforth thereof seized, as of his former Estate. And the same Method shall be observed, in case the Inspectors shall at any Time thereafter, during the Continuance of this Act, find it necessary to have more Warehouses erected, at any of the Places appointed for the Use above mentioned.

XLVII. PROVIDED always, That nothing herein before contained, shall be construed to give any Power to the said Commissioners, to take away the Houses, Orchards, or other immediate Conveniences, of any Proprietor of Land, for the Uses or Purposes aforesaid: Nor to the said Inspectors, to keep any Horses, Cattle, or Hogs, at any of the said public Warehouses, but what shall be constantly inclosed, and kept upon the Land appointed for such Warehouses. And if any Swine belonging to the said Inspectors, or any of them, shall be found at Large, upon the Land appropriated for such Warehouses, or the Lands adjoining thereto; it shall and may be lawful, to and for the Proprietor of the Land on which the said Warehouses are placed, to kill, or cause to be killed or destroyed, all such Swine.

XLVIII. AND be it further Enacted, by the Authority aforesaid, That if any of the Warehouses herein before mentioned, shall accidentally happen to be burnt, the Loss sustained thereby, shall be made good, and repaired, to the several Persons injured, by the General Assembly, at the next Session after such Loss.

XLIX. AND be it further Enacted, by the Authority aforesaid, That this Act, and every Matter, Clause, and Thing therein contained, shall continue, and be in Force, for the Term of Four Years, from the said First Day of August; and from thence, to the Tenth Day of November next following, and no longer.

A. D. 1730.

C H A P. IV.

An Act to prevent the malicious burning Tobacco-Houses, and other Houses and Places: For taking away Clergy from certain Offenders: And for punishing Accessories to Felonies, and Receivers of stolen Goods.

Preamble.

I. **W**HEREAS divers wicked and evil disposed Persons, intending the Ruin and Impoverishing His Majesty's good Subjects, have devised, and, of late, secretly, in the Night Time, and at other Times, when they think their Deeds are not known, frequently practised, in several Parts of this Colony, unlawful and wicked Courses, in burning Tobacco-Houses, Warehouses, Storehouses, and Houses and Places where Wheat, Indian Corn, and other Grain is kept, in Contempt of the Laws, and to the insupportable Wrong and Damage of many of His Majesty's good Subjects: For Prevention whereof,

Vid. Stat. 22,
23 Car. 2.
Cap. 7.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That all and every Person and Persons, that shall at any Time, either in the Night or the Day, after the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty, maliciously, unlawfully, and willingly, burn any Tobacco-House, Warehouse, or Storehouse, or any House or Place, where Wheat, Indian Corn, or other Grain, shall then be kept, or any other Houses whatsoever; or shall comfort, aid, abet, assist, counsel, hire, or command, any Person or Persons, to commit any of the said Offences; being thereof convicted or attainted, or being indicted thereof, shall stand mute, or will not answer directly to the Indictment; or shall peremptorily challenge above the Number of Twenty Persons returned to be of the Jury, shall be adjudged a Felon; and shall suffer Death, as in Case of Felony: And shall not have the Benefit of his, her, or their Clergy.

Malicious
burning any
Houses after
29 September,
1730. Felony
without Be-
nefit of Cler-
gy.

III. *AND* forasmuch as divers lewd and wicked Persons are encouraged to commit Robberies in Warehouses and Storehouses, by the Privilege, as the Law now is, of demanding the Benefit of their Clergy:

IV. *BE it therefore Enacted, by the Authority aforesaid,* That all and every Person and Persons, that shall at any Time, after the said Twenty Ninth Day of September, either in the Night or the Day, feloniously break any Warehouse or Storehouse, and shall take therefrom any Money, Goods, or Chattels, Wares, or Merchandizes, of the Value of Twenty Shillings lawful Money, or more, although the Owner of such Goods, or any other Person or Persons be, or be not, in such Warehouse or Storehouse; or shall aid, assist, counsel, hire, or command, any Person or Persons, so to break and rob any such Warehouse or Storehouse, and shall be thereof convicted or attainted; or being thereof indicted, shall stand mute, or will not answer directly to the Indictment; or shall peremptorily challenge above the Number of Twenty Persons returned to be of the Jury, shall, by Virtue of this Act, be absolutely debarred of and from the Benefit of Clergy.

Persons
breaking any
Warehouse,
or Storehouse,
and stealing
from thence
Goods, &c.
to the Value
of 20s. And
all Abettors,
&c. debar'd
of the Benefit
of Clergy.
Vid. Stat. 3
& 4 G. & M.
cap. 9. & 12
A. cap. 7.

V. *AND* forasmuch as the Counsellors and Contrivers of Theft, and other Felonies, and the Receivers of Goods that have been stolen, are the principal Cause of the Commission of such Felonies; and as the Law now is, no Accessory

Part of the
Stat. 1 Anna,
cap. 9. Enac-
ted.

A. D. 1730.

cessory can be convicted, or suffer any Punishment, where the Principal is not attainted, or hath the Benefit of his Clergy.

Accessories may be proceeded against, although the Principal be, after Conviction, admitted to his Clergy, pardon'd, or otherwise deliver'd, before Attainder.

VI. *BE it therefore Enacted, by the Authority aforesaid*, That from and after the said Twenty Ninth Day of *September*, if any principal Offender shall be convicted of any Felony, or shall stand mute, or peremptorily challenge above the Number of Twenty Persons returned to be of the Jury, it shall and may be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof; notwithstanding such principal Felon shall be admitted to the Benefit of his Clergy, pardoned, or otherwise delivered, before Attainder: And every such Accessory shall suffer the same Punishment, if he or she be convicted, or shall stand mute, or peremptorily challenge above the Number of Twenty Persons returned to serve of the Jury, as he or she should have suffered, if the Principal had been attainted.

VII. *AND* forasmuch as Buyers and Receivers of stolen Goods, do oftentimes convey away and conceal the principal Felons, so that they cannot be convicted of such principal Felony, and thereby such Buyers and Receivers have escaped all manner of Punishment; which hath greatly encouraged the buying and receiving of such stolen Goods: For Remedy whereof,

Buyers and Receivers of stolen Goods, may be prosecuted, as for a Misdemeanor, altho' the Principal be not convicted.

VIII. *BE it further Enacted, by the Authority aforesaid*, That from and after the said Twenty Ninth Day of *September*, it shall and may be lawful to prosecute and punish every such Person and Persons, buying or receiving any stolen Goods, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment; although the principal Felon be not before convicted of the said Felony: Which shall exempt the Offender from being punished as Accessory, if the Principal shall be afterwards convicted.

C H A P. V.

An Act for Ascertaining the Damage upon protested Bills of Exchange: And for the better Recovery of Debts due on promissory Notes: And for the Assignment of Bonds, Obligations, and Notes.

Preamble.

I. **W**HEREAS the Act of Assembly, made in the Fourth Year of the Reign of the late Queen *Anne*, declaring how long Judgments, Bonds, Obligations, and Accounts, shall be in Force; for the Assignment of Bonds and Obligations; directing what Proof shall be sufficient in such Cases; and Ascertaining the Damage upon protested Bills of Exchange; hath been lately Repealed, by Proclamation, and it is necessary to provide a Law, as to several Matters therein contained:

All protested Bills of Exchange, shall carry 10 per Cent. Interest per Ann. from the Date.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That where any Bill of Exchange hereafter shall be drawn, for the Paiment of any Sums of Money, in which the Value is or shall be expressed to be received, and such Bill is or shall be protested, for Non-acceptance, or Non-paiment; the same shall carry Interest from the Date thereof, after the Rate of Ten per Cent, per Annum, until the Money therein drawn for, shall be fully satisfied and paid.

III. *BUT,*

A. D. 1730.

But only 18 Months Interest, shall be allow'd, from the Date of the Bill, to the Time it is presented, protested.

III. BUT, lest any Person having any such Bill, should, for the Sake of the said Interest, delay the negotiating the same: Or, if after it shall be protested, shall not demand Paiment thereof, of the Drawer or Indorser, *It is hereby Declared*, That no Person whatsoever, shall pay more than Eighteen Months Interest, from the Date of any Bill, to the Time it shall be presented, protested to the Drawer, or Indorser or Indorsors thereof.

IV. AND forasmuch, as Bills of Exchange are accounted in the Course of all Paiments in this Colony, as ready Money, it may be reasonable, for Advancing the Credit of such Bills, to make the same a better Security than they have been heretofore; and to expedite the Recovery of Money thereupon:

V. *BE it Enacted, by the Authority aforesaid*, That all Bills of Exchange, heretofore drawn, or hereafter to be drawn, which are, or shall be protested, shall, after the Death of the Drawer or Indorser thereof, be accounted of equal Dignity with a Judgment; and the Executors or Administrators of every such Drawer or Indorser, shall be compelled to suffer Judgment to pass against them, for all Debts due upon a protested Bill of Exchange, before any Bond, Bill, or other Debt, of equal or inferior Dignity, under the Penalty of being liable to pay the same out of their own proper Goods.

Bills of Exchange of equal Dignity, with Judgments.

VI. *AND be it further Enacted, by the Authority aforesaid*, That where any Bill, drawn before the making of this Act, is or shall be protested, as aforesaid, there shall be paid to such Person or Persons as shall have Right to demand the same, for his, her, or their Damage in that Behalf sustained, after the Rate of Fifteen *per Cent.* for the Sum expressed in such Bill, and for the Costs and Charges of Protest, and no more.

15 *per Cent.* allowed on Bills drawn before the passing this Act, which are or shall be protested.

VII. *AND be it further Enacted*, That it shall and may be lawful for any Person or Persons, having a Right to demand any Sum of Money due upon a protested Bill of Exchange, to commence and prosecute an Action of Debt, for Principal, Interest, and Charges of Protest, against the Drawers and Indorsors jointly, or against either of them separately; and Judgment shall and may be given for such Principal, and Charges, and Interest, after the Rate of Ten *per Cent. per Annum*, as aforesaid, to the Time of such Judgment; and for Interest upon the Money recovered, after the Rate of Six *per Cent. per Annum*, until the same shall be fully satisfied.

Actions of Debt, may be maintain'd upon protested Bills, and 10 *per Cent.* recovered to the Time of the Judgment. And the Judgment shall carry Interest at 6 *per Cent.*

VIII. AND to the End, the Recovery of Money upon Promisory Notes, and other Writings without Seal, may be render'd more easy, *Be it Enacted, by the Authority aforesaid*, That if any Person or Persons shall have signed, or hereafter shall sign, any Note, or by any other Writing, he, she, or they, have promised or obliged, or shall promise or oblige him, her, or themselves, to pay any Sum of Money, or Quantity of Tobacco, to any other Person or Persons; such Person or Persons, to whom the same is, or shall be payable, shall and may commence and maintain an Action of Debt, and recover Judgment for what shall appear to be due thereupon, with Costs.

Actions of Debt may be maintained upon Promisory Notes.

IX. *PROVIDED*, That such Action be brought within the Time appointed for bringing Actions, by the Act of Assembly made in the Fourth Year of the Reign of the said late Queen, for the Limitation of Actions.

But shall be brought within the Time appointed by Act of Limitation.

K k k

X. AND

A. D. 1730.

Money paid,
may be dis-
counted a-
gainst judg-
ments, &c.

X. *AND be it further Enacted, by the Authority aforesaid, That* when any Suit shall be commenced and prosecuted, in any Court within this Colony, for any Debt due by Judgment, Bond, Bill, or otherwise, the Defendant shall have Liberty, upon Trial thereof, to make all the Discount he can, against such Debt; and upon Proof thereof, the same shall be allowed in Court.

Bonds and
Notes assign-
able.

XI. *AND be it further Enacted, by the Authority aforesaid, That it* shall and may be lawful, to and for any Person or Persons, to assign and transfer any Bond, or Bill, for Debt, or any such Note, as aforesaid, to any other Person or Persons whatsoever: And that the Assignee or Assignees, his and their Executors and Administrators, by Virtue of such Assignment, shall and may have lawful Power to commence and prosecute any Suit at Law, in his, her, or their own Name or Names, for the Recovery of any Debt due by such Bond, Bill, or Note, as the first Obligee, his Executors and Administrators might or could lawfully do.

But the Debt-
or may make
Discounts a-
gainst the As-
signee or Ob-
ligee.

XII. *PROVIDED always, That in any Suit commenced upon such* Bond, Bill, or Note, so assigned, the Plaintiff shall be obliged to allow all Discounts that the Defendant can prove, either against the Plaintiff himself, or against the first Obligee.

C H A P. VI.

*An Act for Continuing Part of an Act, for laying a Duty on Li-
quors; with some Alterations and Amendments.*

Preamble.

I. **W**E Your Majesty's most dutiful and loial Subjects, the Burgeses of this Your Majesty's most antient Colony and Dominion of *Virginia*, now met in Assembly, taking into our serious Consideration, the Expediency of raising a competent Revenue, for defraying such Expences of Your Majesty's Government here, as must otherwise be discharged by a Poll Tax; which hath frequently been very grievous and burthensome to the Subjects of the said Colony, and occasioned great Discontents and Uneasiness among them; have given and granted to Your Majesty, the several Duties hereafter mentioned, for and during the Term hereafter expressed. And we do most humbly beseech Your Majesty, that it may be Enacted;

II. *AND be it Enacted, by the Lieutenant-Governor, Council, and Bur-
geses, of this present General Assembly, and it is hereby Enacted, by the
Authority of the same, That the several Duties of Three Pence for every
Gallon of Rum, Brandy, and other distilled Spirits; and for every Gallon of
Wine, granted by an Act of Assembly, made in the Twelfth Year of the Reign
of our late Sovereign Lord King George the First, intituled, An Act for lay-
ing a Duty on Liquors, shall be continued from the Tenth Day of June, in
the Year One Thousand Seven Hundred and Thirty One; and shall be raised,
levied, collected, answered, and paid, unto His Majesty, and his Successors, until
the Tenth Day of June, in the Year One Thousand Seven Hundred and Thirty
Four, and no longer. And that the said Act, and all Powers, Provisions, Pe-
nalties, Articles, and Clauses therein contained, concerning the said Duty of
Three Pence only, shall continue, and be of full Force and Effect, until the
said Tenth Day of June, One Thousand Seven Hundred and Thirty Four;*
and

The Act con-
tinued until
the 10th of
June, 1734.

and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying, the said Duties hereby continued, according to the Tenor and Intent of this present Act. A. D. 1730.

III. *PROVIDED* always, and it is hereby Enacted, That all Liquors whatsoever, liable to the said Duty, which shall be landed, put on Shore, or delivered, contrary to the Directions and true Intent and Meaning of this Act, or the Value thereof, shall be forfeited and lost: And shall and may be recovered of the Master of the Ship or Vessel, who imported the same, or of the Owner of such Liquor. Liquors landed, contrary to this Act, or the Value thereof, forfeited.

IV. *PROVIDED* also, that it shall and may be lawful for the Owner or Owners of any Liquors imported, liable to the said Duty, upon the Entry thereof with the Collector of the said Duties, to make Oath to his or their Account, of the Number of Gallons contained in every Cask so imported, before any Justice of the Peace of this Colony: And such Collector, upon his or their producing a Certificate from such Justice, of such Oath made, on the Back of the Invoice of such Liquors, shall and may, and is hereby required to issue his Warrant for Landing or Delivery thereof. Owner of Liquors, may make Oath to the Quantity, before a Justice of Peace.

V. *PROVIDED* also, That any Person or Persons, who shall, at any Time, within this Six Months after the Importation of any such Liquors, be desirous to export the same, or Part thereof, shall be entitled to the Allowance or Draw-back of the whole Duty or Custom, by him or them paid for such Liquors. Draw-back allowed upon all Liquor exported within 6 Months.

VI. *PROVIDED* also, and it is hereby Enacted, That no greater Duty or Custom, than Half the Duties aforementioned, shall be required or paid for any Liquors whatsoever, imported in any Ship, or other Vessel, wholly and solely belonging to the Inhabitants of this Colony; any thing in this Act before contained, to the contrary thereof, in any-wise, notwithstanding. Virginia Owners shall only pay half Duties.

VII. *AND* whereas, it is found to be detrimental to Persons, importing Money for Paiment of the Duties of Liquors by them imported, by Reason such Persons are obliged to keep the Specific Money for that Purpose: For Remedy whereof,

VIII. *BE it Enacted, by the Authority aforesaid,* That if any Person or Persons whatsoever, shall import into this Colony, any Sum or Sums of Money, for paying the Duties of such Liquors by him or them to be imported, he or they may make Proof thereof, before any Collector of such Duties, who shall certify the same. And upon such Person or Persons producing such Certificate to any Collector of such Duties, such Collector is hereby authorized and required to make an Abatement or Allowance of Fifteen *per Cent.* in the Paiments of such Duties, on any Liquors by him or them afterwards imported into this Colony, until such Sum or Sums of Money imported, shall be all paid away. And upon Paiment of any lesser Sum, than is mentioned in such Certificate, to such Collector for the Duties of Liquors, such Collector shall indorse the Sum, so by him received, on the Back of such Certificate. Persons importing Money, may make Oath before the Collector, who shall give a Certificate; and 15 *per Cent.* shall be allow'd in the Paiment of Duties, to such Importer, till the whole Sum shall be paid. And all Paiments shall be indors'd upon the Certificate.

IX. *AND be it further Enacted, by the Authority aforesaid,* That upon all Actions, Suits, or Informations to be brought; or where any Seizure of any Liquors liable to a Duty or Custom, by Virtue of this Act, shall be made; if the Property thereof be claimed by any Person or Persons, as the Importer thereof, in such Case, the *Onus Probandi* shall lie upon the Owner or Claimer of such Liquors. Onus Probandi shall lie on the Owner or Claimer.

A. D. 1730.

C H A P. VII.

*An Act for the better Regulating the Paiment of the Burges-
ses Wages.*

Preamble.

I. WHEREAS, diverse Doubts and Controversies have heretofore arisen, concerning the Paiment of the Wages established by Law, for the Burgeses elected to serve in the General Assembly; who, by Reason of their private Affairs, are absent from their Service in the House of Burgeses: For removing the like Controversies for the future,

Absent Mem-
bers shall re-
ceive no Wa-
ges for the
Time they
shall be ab-
sent.

II. BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That from and after this Session of Assembly, no Burgeses or Burgeses so elected, or to be elected; nor any Burgeses or Burgeses elected, or to be elected, to serve for any Corporation in this Dominion, shall demand, take, or receive, any Salary or Wages, for his or their Service in the House of Burgeses, for any Day or Days on which he or they shall fail to attend in the said House; except for such *Sundays* as shall happen and be within the Time of the Session, and for such and so many Days as are by Law allowed to each Burgeses, for coming to, and returning from, the General Assembly.

Unless they
be taken Sick
or Lame, up-
on their Jour-
ney.

III. PROVIDED nevertheless, That if any Burgeses shall be taken Sick or Lame, during his Attendance on any Session of Assembly, or in his Journey to such Session, so that he shall be unable to attend the Service of the House of Burgeses; such Burgeses shall be allowed and paid, for every Day of such Session on which he shall be unable to attend, as aforesaid, in the same Manner, as if he had attended the Service of the House; any thing in this Act, to the contrary, notwithstanding.

For obviating
Disputes a-
bout paying
the Burgeses
in Money.

IV. AND, for obviating all Doubts which may arise, touching the Application of the public Money, which now is, or hereafter shall be, in the Hands of the Treasurer of this Dominion, for and towards paying the Wages of the Burgeses; and thereby lessening the Levy, by the Poll:

When there
shall be 500l.
in the Treasu-
rer's Hands,
and all the
public Debts
are paid, the
Burgeses
shall be paid
their Wages
in Money.

V. BE it Enacted and Declared, by the Authority aforesaid, That when any Session of Assembly shall be hereafter held, and upon Examination of the Treasurer's Accounts, it shall appear, that there are Monies sufficient in his Hands to discharge all the Money Debts, due from the Public, together with the Burgeses Wages, and the Salaries and Allowances to the respective Officers of the General Assembly, leaving and reserving in the Hands of the said Treasurer, over and above the said Paiments, a Ballance of One Thousand Five Hundred Pounds at the least; then every Burgeses elected, and serving for any County, or Corporation, within this Dominion, shall be paid out of the said public Money, the Sum of Ten Shillings, for each Day he shall serve in the House of Burgeses; together with the like Wages for his coming to, attending at, and returning from, such General Assembly, in Lieu of all other Demands for his said Service: And thereupon, it shall and may be lawful for the Governor or Commander in Chief of this Dominion, upon Certificate from the Speaker of the House of Burgeses, of the Time of each Member's Attendance, to issue his Warrant to the Treasurer of this Do-
minion

After the
Rate of 10s.
per Diem.

The Gover-
nor shall give
a Warrant, up-
on the Spea-
ker's Certifi-

minion, for the Time being, for the Paiment of the Wages of such Burgeses or Burgeesses, together with the Pay for all the Days allowed by Law, for his or their Travelling to and from the said General Assembly; and also the Expence of Ferriages.

A. D. 1730.
cate, of their
Attendance.

VI. *PROVIDED* always, and it is hereby Declared, to be the true Intent and Meaning of this Act, That where any Burgeses is, or shall be obliged to come to the General Assembly, by Water, such Burgeses shall only be allowed Nine Shillings *per Diem*, for his Wages: And there shall be paid, for bringing the Burgeesses of any one County, coming by Water, for a Boat and Two Men, if such be employed by them, and their necessary Provisions, Three Shillings and Six Pence, for each Day such Boat and Hands shall be employed in that Service.

Burgeesses coming by Water, shall receive only 9 s. *per Diem*, for their Attendance, and 3 s. 6 d. *per Diem*, for a Boat and Hands.

VII. AND for the Counties of *Accomack*, and *Northampton*, for defraying the Charge of one Sloop, and Two Men, for each County, with their necessary Provisions, the Sum of Six Shillings, for each Day such respective Sloop and Hands shall be upon that Service, in Lieu of the Tobacco allowed by Law, for the Purposes aforesaid.

But the Burgeesses from *Accomack*, and *Northampton*, shall receive 6 s. *per Diem*, for a Sloop and Hands.

VIII. AND be it further Enacted, by the Authority aforesaid, That it shall not be lawful for the Courts of the respective Counties, to levy for, nor the Treasurer of this Colony, for the Time being, to pay unto, any Burgeses or Burgeesses, any Salary or Wages, for those Days on which he or they shall fail to attend, as aforesaid; except in the Case of Sickneis or Lameneis, herein before provided for, and accepted.

County Courts shall not levy, nor the Treasurer pay, any Burgeses any Wages, for the Time he shall not attend.

IX. AND whereas, since the making the Act of Assembly, for settling the Allowances to Burgeesses, for coming to, attending at, and returning from, the General Assembly, the several Counties of *Brunswick*, *Spotsylvania*, *Prince William*, *Goochland*, *Hanover*, *Caroline*, and *King George*, have been erected, and no Allowance is settled for the Burgeses of those Counties, for coming to, and returning from, the General Assembly:

Travelling Days, from several Counties, erected since 1705, not being settled.

X. BE it therefore Enacted, by the Authority aforesaid, That to the Burgeesses, for the Counties of *Brunswick*, *Spotsylvania*, and *Prince William*, there shall be allowed Four Days; and to the Burgeesses for the Counties of *Goochland*, *Hanover*, *Caroline*, and *King George*, Three Days, for coming to, and as many Days for returning from, every Session of the General Assembly.

Allowances to the Burgeses, for travelling from those Counties settled.

A.D. 1730.

C H A P. VIII.

An Act to prevent Losses to Executors, and Administrators, by the Sale of Negroes, Goods, and Chattels, taken in Execution; for amending the Law, in Relation to Executors, and Administrators; for maintaining Actions of Account against Executors, and Administrators; and by one Joint Tenant, and Tenant in Common, against another Joint Tenant, and Tenant in Common, their Executors, and Administrators; for empowering Fathers to dispose of the Custody and Tuition of their Children; and for the better managing and securing Orphans Estates.

Preamble.

I. WHEREAS, by one Act of Assembly, made in the Ninth Year of the late Queen Anne, intituled, *An Act, directing the Manner of Granting Probats of Wills, and Administrations of Intestates Estates*, all the Negroes, Goods, and Chattels of any Person or Persons dying in this Colony, (except in the Case therein excepted) are to be appraised, by Persons to be appointed and sworn for that Purpose: And it frequently happens, either through the Ignorance or Partiality of Appraisers, that such Estates have been valued at much less than the true Worth; and yet, by a Construction of the said Act, it is held, that Executors, and Administrators, are only answerable and accountable for such appraised Value, to the great Injury of Creditors and Orphans: Yet, on the other Hand, it hath sometimes happened, that Slaves, Goods, and Chattels, being taken in Execution, to satisfy the Debts of a dead Person, have been sold for less than the Appraisement; and the Executor, or Administrator, in that Case, must abide the Loss:

II. AND whereas also, it hath been the Practice of some Executors, and Administrators, to use the Goods and Chattels of their Testator, or Intestate, for several Years; and then they think themselves at Liberty to deliver the same, at the appraised Value, to the Orphans, in Satisfaction of their Demands: Whereupon divers Controversies have arisen:

III. FOR the Prevention of which Mischiefs and Inconveniences for the future; and to the End, all Occasions of Controversy, in the Cases aforesaid, may be removed,

Estates shall be appraised, except where it is otherwise directed, by Will.

But shall not be binding, where it can, be prov'd, that the Goods are not worth so much, or more than the Appraisement.

IV. BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That from and after the passing of this Act, whenever the General County, or any County Court in this Colony, shall, pursuant to the Methods prescribed by the said Act, grant a Certificate to any Executor, or Administrator, for the obtaining a Probat, or Letters of Administration; such Court may and shall appoint Appraisers to value the Estate; who shall be sworn, and return their Appraisement, in the same Manner as hath heretofore been used: And such Appraisement may be given in Evidence, in any Action or Suit that shall be brought against such Executor, or Administrator, to prove the Value of the Estate; but shall not be binding, either upon the Executor, Administrator, Creditor, or other Person whatsoever, where it shall appear, by any other legal Proof, that the Goods and Chattels, were really worth, or were, *bona fide*, sold for more, or less, than such Appraisement.

AND

A. D. 1730.

Perishable
Goods shall
be sold.

V. *AND be it further Enacted, by the Authority aforesaid,* That all Executors, and Administrators, as soon as conveniently the same may be done, after the Debts of their Testator or Intestate shall be fully satisfied and paid, shall sell and dispose of all such Goods and Chattels of such Testator, or Intestate, (Specific Legacies excepted,) as are or may be liable to perish, consume, or be the worse by using, or keeping, for the most that can be got for the same, in Money, by public Sale or Auction. And shall and may, for the enhancing the Price thereof, give Credit, upon good Security, for what Time such Executor, or Administrator shall think fit, having Regard to the Circumstances of such Estate, and the Time when the Legacies will become due, or Distribution of such Estate is to be made. And when such Goods and Chattels shall be so, *bona fide*, sold, the Executor or Administrator shall be answerable for the Value of such Sale, and no more. And in case any Executor or Administrator shall sell any of the Goods of his Testator or Intestate, to be paid for at a future Day, the Buyer shall enter into Bond, to such Executor, or Administrator, with one or more Sureties, or shall give some other sufficient Security, for the Paiment of the Money accordingly: And the Executor or Administrator, after the Time of such Paiment is past, shall take and pursue all lawful Ways and Means to receive and recover the Money, upon Pain of being answerable for the same himself: And if the same shall not be received, before the Legatees or other Persons entitled to a Distribution of such Money, shall have a Right to demand the same; it shall and may be lawful for the Executor or Administrator, to assign such Bond, or other Security, to such Legatee, or other Person, aforesaid: And such Assignment shall discharge such Executor, or Administrator, for so much, against him or them.

Bonds taken
for Goods
sold, may be
assigned to
Legatees, &c.
and the Exe-
cutor shall be
discharged.

VI. *PROVIDED nevertheless,* That if after such Assignment, the Obligor or Obligors in such Bond become insolvent, so as the Money for which such Bond or other Security was given, be lost, such Loss shall be made good to the Assignee, out of the Estate of the said Testator or Intestate.

But in Case,
the Debtor
prove insol-
vent, it shall
be made good
out of the
Estate.

VII. *PROVIDED also,* That if any Person, by his last Will and Testament, shall direct, that his Goods and Chattels shall not be appraised, or shall be preserved in Specie, and not sold; nothing in this Act shall extend, or be construed to controul such last Will, but the same shall and may be pursued and fulfilled.

VIII. *AND forasmuch,* as the preserving of neat Cattle, and their Increase, may be of great Advantage to Orphans, for the improving their Lands, *Be it further Enacted, by the Authority aforesaid,* That where any Person shall die Intestate, leaving sufficient to satisfy his Debts, besides Negroes, Slaves, and neat Cattle, the Heir at Law being under Age, such Cattle shall be kept upon the Lands and Plantation of the Heir at Law, until he shall come of Age; and he shall have the Benefit of the Increase, and bear all Loss, if any shall happen.

Cattle to be
preserved for
the Benefit of
the Heir.

IX. *PROVIDED nevertheless,* That the Administrator of such Estate, or Guardian of such Orphan, in Case such Stock grow too numerous, or if it will be to the Advantage of such Orphan, shall and may sell such Part of such Stock, as he shall think fit: And also, that such Heir at Law shall satisfy and pay unto the other Children, or such other Persons, as shall be entitled to a Distribution of such Intestate's Estate, their proportionable Parts of the Value of such Stock of Cattle, as shall be left at the Time of the Death of such Intestate.

X. *AND*

A. D. 1730.

Explanation
of the Act of
the 9th of Q.
Anne.

X. AND whereas, by the said Act of Assembly, *It is Declared*, That where any Person or Persons shall die Intestate, leaving a Crop of Tobacco, Indian Corn, Wheat, or other Grain, on the Ground, unfinished; or dying Testate, shall not have otherwise directed; the Servants and Slaves employed in such Crop, shall be continued on the Plantations, until the Five and Twentieth Day of *December* following, for the finishing such Crop: And such Crop so made and finished, shall be deemed Assets in the Hands of the Executor, or Administrator; whereupon, it may be questioned, Whether the same shall extend to the whole Crop, when only some Part of it is planted or sown? And whether the whole Crop shall be Assets, without deducting the Charges that are incident to the making the same? For making the same more clear,

Where any
Person shall
die between
the 1st Day of
March, and
the 25th Day
of *December*,
his Slaves shall
continue up-
on the Plan-
tation, and
make a Crop,
which shall
be Assets.

XI. *BE it further Enacted, by the Authority aforesaid*, That where any Person shall die, between the First Day of *March*, and the Five and Twentieth Day of *December*, the Servants and Slaves, which such Person was possessed of, at the Time of his or her Death, shall be continued and employed upon the several Plantations held and occupied by the deceased Person, until the Twenty Fifth Day of *December* in that Year, for the making and finishing a Crop of Tobacco, Corn, or other Grain; and such Crop so made and finished, shall be deemed Assets, as aforesaid, after the Charges of cloathing and feeding the Servants and Slaves so employed therein; and also the Expence of Tools and Utensils for them to work with, and the Quit-Rents of the Land whereon they work, and other incident Charges, shall be deducted.

The Statute
30 Car. 2. c. 7.
Enacted.

XII. AND whereas, Executors, and Administrators of such Persons, who possess themselves of Personal Estates of other dead Persons, and convert the same to their own Use, are not liable, by the Rules of the Common Law, as it now stands, in this Colony, to pay the Debts of such Persons, whose Estates have been so converted by their Testator or Intestate. For Remedy whereof,

Executors,
and Adminis-
trators of Ex-
ecutors and
Administra-
tors, in their
own Wrong,
or of Right,
made liable,
as the 1st Tes-
tator, or In-
testate might
have been.

XIII. *BE it Enacted, by the Lieutenant-Governor, Council, and Burges-
ses, of this present General Assembly, and it is hereby Enacted, by the Au-
thority of the same*, That all and every the Executors, and Administrators, of any Person or Persons, who, as Executor or Executors, in his or their own Wrong, and the Executor or Executors, Administrator or Administrators of any Executor, or Administrator, of Right, who shall waste, or convert to his own Use, Goods, Chattels, or Estate, of his Testator, or Intestate, shall, from henceforth, be liable and chargeable, in the same Manner, as his or their Testator, or Intestate should or might have been.

Part of the
27th Sect. of
the Statute, 4
Anne, c. 16.
Enacted.

Actions of
Account may
be brought a-
gainst Execu-
tors, and by
one Joint Te-
nant, and Te-
nant in Com-
mon, against
another.

The 8 and 9
Sect. of the
Statute, 12
C. 2. cap. 24.
Enacted.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That from and after the passing of this Act, Actions of Account shall and may be brought and maintained against the Executors, and Administrators of every Guardian, Bailiff, and Receiver; and also, by one Joint Tenant, or Tenant in Common, his Executors, and Administrators, against the other, as Bailiff, for receiving more than comes to his just Share or Proportion, and against the Executor, and Administrator of such Joint Tenant, or Tenant in Common.

XV. *AND be it further Enacted, by the Authority aforesaid*, That where any Person hath, or shall have, any Child or Children, under the Age of Twenty One Years, and not married, at the Time of his Death, it shall and may be lawful, to and for the Father of such Child or Children, whether born at the Time of the Decease of the Father, or at that Time, *in Ventre sa mere*; or whether such Father be within the Age of One and Twenty Years,

Years, or of full Age, by his Deed executed in his Life-time, or by his Last Will and Testament, in Writing, in the Presence of Two or more credible Witnesses, in such Manner, and from Time to Time, as he shall respectively think fit, to dispose of the Custody and Tuition of such Child or Children, for and during such Time, as he or they shall remain under the Age of One and Twenty Years, or any lesser Time, to any Person or Persons, in Possession, or Remainder, other than Popish Recusants. And that such Disposition, of the Custody of such Child or Children heretofore made, or hereafter to be made, shall be good and effectual against all and every Person or Persons claiming the Custody or Tuition of such Child or Children, as Guardian in Socage, or otherwise. And that such Person or Persons, to whom the Custody of such Child or Children hath been, or shall be disposed, or devised, as aforesaid, shall and may maintain an Action of Ravishment of Ward, or Trespass, against any Person or Persons which shall wrongfully take away or detain such Child or Children, for the Recovery of such Child or Children; and shall or may recover Damages for the same, in the said Action, for the Use and Benefit of such Child or Children.

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Fathers may dispose of the Custody and Tuition of their Children, during their Minority.

Vid. Vaughan, 177.

And such Guardian may have Actions of Ravishment of Ward, or Trespass.

XVI. *AND* be it further Enacted, That such Person or Persons, to whom the Custody of such Child or Children hath been, or shall be so disposed or devised, shall and may take into his or their Custody, to the Use of such Child or Children, the Profits of all Lands, Tenements, and Hereditaments, of such Child or Children; and also the Custody, Tuition, and Management, of the Slaves, Goods, Chattels, and Personal Estate, of such Child or Children, till their respective Age of One and Twenty Years, or any lesser Time, according to such Disposition aforesaid; and may bring such Action or Actions, in Relation thereunto, as by Law, a Guardian in common Socage might do.

XVII. *PROVIDED*, That this Act shall not extend to discharge any Apprentice from his Apprenticeship; nor to take away the Power of the General Court, or County Court, upon Complaint to them made, of such Guardian abusing the Trust reposed in him, by misusing the Child or Children under his Tuition, or neglecting the Care of their Education, suitable to their Estate, or wasting the Estate of such Child or Children; to make and establish, from Time to Time, such Rules, Orders, and Decrees, for securing the Estate, and for the better Education and Usage of such Orphans, as they, in their Discretion, shall judge meet and necessary.

Method for better securing Orphans Estates.

XVIII. *AND* whereas, great Abuses have been committed by Guardians of Orphans, in not keeping just and regular Accounts of the Profits of the Estates under their Management; and the Justices of many County Courts, have been very negligent in taking proper Measures, for the examining and inspecting the Accounts of Guardians, from Time to Time, and in looking into the Securities given by such Guardians; from whence many Inconveniences have proceeded. For Prevention whereof for the future,

XIX. *BE* it further Enacted, by the Authority aforesaid, That wherever a Guardian shall be appointed to any Orphan, by the General Court, or by any County Court, such Guardian shall, at the next Court after such Appointment, exhibit an Account, upon Oath, of all the Estate of such Orphan, which he shall have received into his Hands, or the said Orphan shall be entitled to: And such Court shall, once every Year, compel all Guardians heretofore, or hereafter to be by them appointed, to exhibit his Account and State of the Profits of the Estate of such Orphan, upon his Oath; and such Accounts so to be exhibited, shall be entered, by the Clerk, in a Book to be provided and kept for that Purpose only: And when the said Courts

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shall respectively know, or be informed, that any Guardian or Guardians by them respectively appointed, do waste or convert the Money or Estate of any Orphan; to his or their own Use; or do, in any Manner, mismanage the same; or do not take due Care of the educating and maintaining of any Orphan, according to his Degree and Circumstances; or where such Guardian, or his Securities, are likely to become insolvent, such Court shall have Power, from Time to Time, to make and establish such Orders and Rules, for the better ordering, managing, and securing, such Estate; and for the better educating and maintaining such Orphans; or to appoint another Guardian, as they, in their Discretion, shall think most fit and expedient.

Guardians, and Executors, shall be allowed in their Accounts, all reasonable Disbursements, and Expenses, and no more.

XX. *AND* be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for such Guardian, to charge in such Account, all reasonable Disbursements and Expences: And if, upon rendring such Account, it shall appear to such Court, that such Guardian hath really, and *bona fide*, disbursed more than the Profits of such Orphan's Estate do amount unto, for the Education and Maintenance of the Orphan; such Guardian shall be allowed and paid, so much as he shall have disbursed, more than the Amount of such Profits, out of the Principal Estate of such Orphan.

XXI. PROVIDED, Such Disbursements be suitable to the Degree and Circumstances of the Estate of such Orphan. And that all Executors, and Administrators shall be allowed in their Accounts, all reasonable and necessary Charges and Disbursements which they shall lay out and expend, for selling any Estate, and receiving the Money upon such Sale, pursuant to this Act; and also for collecting and receiving the out-standing Debts of any Testator, or Intestate; and no other Allowance whatsoever.

CHAP. IX.

An Act to enable the Sale of Goods distrained for Rent, and to secure such Goods to the Persons distraining the same, for the better Security of Rents; and to prevent Frauds committed by Tenants.

Part of the
Statute, 2
G. & M. c. 5.
Enacted.

I W H E R E A S, the most ordinary and ready Way for Recovery of Arrears of Rent, is, by Distress; and no Provision hath yet been made, by the Laws of this Government, that such Distresses may be sold; and by the Common Law, the same may be only detained as Pledges, for enforcing the Payment of such Rent, and the Persons distraining, have little Benefit thereby. For the Remediying thereof,

Goods dis-
train'd for
Rent, may be
apprais'd, and
fold.

II. *B.E. it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Tenth Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Thirty, where any Goods, or Chattels shall be distrained, for any Rent reserved and due, upon any Demise, Lease, or Contract whatsoever, and the Tenant, or Owner of the Goods so distrained, shall not, within Five Days, next after such Distress taken, and Notice thereof, with the Cause of such taking, left at the chief Mansion House, or other most notorious Place on the Premises, charged with the Rent distrained for, replevy the same, with sufficient Security to be given to

to

to the Sheriff, according to Law; that then, in such Case, after such Distress and Notice as aforesaid, and Expiration of the said Five Days, the Person distraining, shall and may, with the Sheriff, or Under-Sheriff of the County, or with the Constable of the Parish or Place where such Distress shall be taken, (who are hereby required to be aiding and assisting therein,) cause the Goods and Chattels so distrained, to be appraised by Three good and lawful Freeholders of that County; who shall have and receive, for their Trouble, Twenty Five Pounds of Tobacco, or Two Shillings and Six Pence, each. And shall first take the following Oath.

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I A. B. will well and truly, according to the best of my Understanding, appraise the Goods and Chattels of C. D. distrained on, for Rent, by E. F. of which Goods and Chattels I will take good Sight and Consideration.

Oath of Appraiser.

So help me God.

III. WHICH Oath, such Sheriff, Under-Sheriff, or Constable, are hereby impowered and required to administer. And after such Appraisement, shall and may lawfully sell the Goods and Chattels so distrained, for the best Price that can be gotten for the same, towards Satisfaction of the Rent, for which the said Goods and Chattels shall be distrained, and of the Charges of such Distress, Appraisement, and Sale, leaving the Overplus, if any, in the Hands of the said Sheriff, Under-Sheriff, or Constable, for the Owner's Use.

IV. AND be it further Enacted, by the Authority aforesaid, That upon any Pound Breach, or Rescous of Goods, or Chattels distrained for Rent, the Person or Persons grieved thereby, shall, in a Special Action upon the Case, for the Wrong thereby sustained, recover his and their treble Damages and Costs of Suit, against the Offender or Offenders, in any such Rescous, or Pound Breach, any, or either of them; or against the Owners of the Goods distrained, in Case the same be afterwards found to have come to his Use or Possession.

Treble Damages for Pound Breach or Rescous.

V. PROVIDED always, and be it further Enacted, That in Case any such Distress and Sale, as aforesaid, shall be made, by Virtue or Colour of this present Act, for Rent pretended to be arrear and due, where, in Truth, no Rent is arrear or due, to the Person or Persons distraining, or to him or them, in whose Name or Names, or Right, such Distress shall be taken, as aforesaid: That then the Owner of such Goods and Chattels distrained and sold, as aforesaid, his Executors, or Administrators, shall and may, by Action of Trespass, or upon the Case, to be brought against the Person or Persons so distraining, any, or either of them, his or their Executors, or Administrators, recover double the Value of the Goods or Chattels so distrained and sold, together with full Costs of Suit.

Double Damages and Costs against wrongful Distrainer.

VI. AND be it further Enacted, by the Authority aforesaid, That from and after the said Tenth Day of December, in the Year aforesaid, no Goods or Chattels whatsoever, lying, or being in, or upon any Messuage, Lands, or Tenements, which are, or shall be leased for Life or Lives, Term of Years, at Will, or otherwise, shall be liable to be taken, by Virtue of any Execution, or any Pretence whatsoever; unless the Party, at whose Suit the said Execution is sued out, shall, before the Removal of such Goods from off the said Premises, by Virtue of such Execution or Extent, pay to the Landlord, or Lessor of the said Premises, or other Person impowered to receive it, all such Sum or Sums of Money, as are, or shall be due for Rent, for the said Premises, at the Time of the taking such Goods or Chattels, by Virtue of such Execution.

The Statute 8 Ann. c. 14. Enacted.

No Goods, &c. shall be taken in Execution, &c. unless the Party, before Removal of the Goods, &c. pay the Landlord the Rent.

A. D. 1730.

If it amounts
to no more
than 1 Year's
Rent.

The Sheriff
to levy the
Rent, as well
as the Execu-
tion Money.

Goods, &c.
fraudulently
carried off
from the Pre-
mises, may be
seised within
5 Days, and
sold, as if
distrained up-
on the Pre-
mises.

Except
Goods, *bona
fide*, sold, be-
fore Seizure.

No Remedy
by Action of
Debt, for
Rent, upon
Leases, for
Lives, at the
Common Law
Debt main-
tainable for
Rent, upon
such Leases.

Remedy a-
gainst Te-
nants, *pour
auter Vie*, for
Years, or at
Will, holding
over.

Rent Arrear,
after the De-
termination
of any Lease,
may be dis-
trained for.

VII. *PROVIDED*, The said Arrears of Rent, do not amount to more than One Year's Rent: And in Case, the said Arrears shall exceed One Year's Rent, then the said Party, at whose Suit such Execution is sued out, paying the Landlord, or other Person empowered to receive the same, One Year's Rent, may proceed to execute his Judgment, as he might have done before the making of this Act. And the Sheriff, or other Officer, is hereby empowered and required, to levy and pay to the Plaintiff, as well the Money or Tobacco so paid for Rent, as the Execution Money.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That in Case any Lessee, for Life or Lives, Term of Years, at Will, or otherwise, of Messuages, Lands, or Tenements, upon the Demise whereof, any Rents are, or shall be reserved, or made payable, shall, from and after the said Tenth Day of *December*, fraudulently or clandestinely convey or carry off, or from, such demised Premises, his Goods or Chattels, with Intent to prevent the Landlord or Lessor from distraining the same, for Arrears of such Rent so reserved as aforesaid; it shall and may be lawful, to and for such Lessor or Landlord, or any Person or Persons, by him for that Purpose lawfully empowered, within the Space of Five Days next ensuing such conveying away or carrying off such Goods or Chattels as aforesaid, to take and seise such Goods and Chattels, wherever the same shall be found, as a Distress for the said Arrears of such Rent; and the same to sell, or otherwise dispose of, in such Manner, as if the said Goods and Chattels had actually been distrained by such Lessor or Landlord, in and upon such demised Premises, for such Arrears of Rent; any Law, Custom, or Usage to the contrary, in any-wise, notwithstanding.

IX. *PROVIDED nevertheless*, That nothing in this Act contained, shall extend, or be construed to extend, to empower such Lessor or Landlord to take or seise any Goods or Chattels so carried off, as a Distress for Arrears of Rent, which shall be sold, *bona fide*, and for a valuable Consideration, before the Seizure made; any thing herein contained to the contrary, notwithstanding.

X. *AND* whereas, no Action of Debt lies against a Tenant for Life or Lives, for any Arrears of Rent, during the Continuance of such Estate for Life or Lives, *Be it Enacted, by the Authority aforesaid*, That from and after the said Tenth Day of *December*, it shall and may be lawful for any Person or Persons, having any Rent in Arrear, or due upon any Lease or Demise, for Life or Lives, to bring an Action or Actions of Debt, for such Arrears of Rent, in the same Manner as they might have done, in Case such Rent were due and reserved, upon a Lease for Years.

XI. *AND* whereas, Tenants *pour auter Vie*, and Lessees for Years, or at Will, frequently held over the Tenements to them demised, after the Determination of such Leases: And whereas, after the Determination of such or any other Leases, no Distress can, by Law, be made for any Arrears of Rent that grew due on such respective Leases, before the Determination thereof:

XII. *IT is hereby further Enacted, by the Authority aforesaid*, That from and after the said Tenth Day of *December*, it shall and may be lawful for any Person or Persons having any Rent in Arrear, or due upon any Lease, for Life or Lives, or for Years, or at Will, ended or determined, to distrain for such Arrears, after the Determination of the said respective Leases, in the same Manner,

Manner, as they might have done, if such Lease or Leases had not been ended or determined.

A. D. 1730.

XIII. *PROVIDED*, That such Distress be made within the Space of Six Kalendar Months after the Determination of such Lease, and during the Continuance of such Landlord's Title or Interest, and during the Possession of the Tenant, from whom such Arrears became due.

Provided, Distress be made within 6 Months after the End of the Lease, & during the Landlord's Title, and Tenants Possession.

XIV. *PROVIDED* always, and it is hereby Enacted and Declared, by the Authority aforesaid, That nothing in this Act contained, shall extend, or be construed to extend, to lett, hinder, or prejudice His Majesty, his Heirs or Successors, in the levying, recovering, or seising any Debts, Fines, Penalties, or Forfeitures, that are or shall be due, payable, or answerable to His Majesty, his Heirs or Successors; but that it shall and may be lawful for His Majesty, his Heirs and Successors, to levy, recover, and seise such Debts, Fines, Penalties, and Forfeitures, in the same Manner, as if this Act had never been made; any thing in this Act contained, to the contrary thereof, in any-wise, notwithstanding.

This Act shall not hinder the King, &c. to levy, &c. any Debts Fines, &c. due to the Crown.

CHAP. X.

An Act to disable any Sheriff, or other Person, to Sit as a Member of the House of Burgesses, who shall accept any Office of Profit in this Colony, after his Election: And exempting the Members of the House of Burgesses from being made Sheriffs.

I. **W**HEREAS it is found inconvenient, and may prove of evil Consequence to this Government, if any Person shall accept the Office of Sheriff, or of any Place of Profit in this Government, during the Time he shall be a Member of the House of Burgesses. For Prevention thereof,

Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That any Person, who now is, or hereafter shall be, Sheriff of any County within this Colony and Dominion, shall not be capable of Sitting or Voting as a Member of the House of Burgesses; and a Writ shall issue, for Electing a new Member in his stead, in the same Manner as if such Person were naturally dead.

All Sheriffs disabled to sit in the House of Burgesses.

III. *AND be it further Enacted, by the Authority aforesaid*, That every Member of the House of Burgesses in this present, or any future General Assembly, during the Time of his being a Member thereof, shall, from henceforth, be exempted from being made or appointed Sheriff of any County in this Colony.

Burgesses exempted from being made Sheriffs.

IV. *AND be it further Enacted, by the Authority aforesaid*, That if any Person being a Member of the House of Burgesses, shall hereafter accept any Office of Profit whatsoever, in this Government, or hold the same in his own Name, or in the Name of any other Person in Trust for him, or for his Use and Benefit, or shall execute by himself, or his Deputy, any such Office or Place;

A Member of the House of Burgesses accepting any Office of Profit, his Election void.

A. D. 1730.

And a new
Writ shall
issue.

Persons dis-
abled, Sitting
and Voting,
forfeit 50^l.

A Burgess
accepting an
Office of Pro-
fit, may be
re-elected.

Place; such Person shall be incapable of Sitting or Voting as a Member of the House of Burgeses; and a Writ shall issue for Electing a new Member in his stead, in the same Manner, as if such Person were naturally dead. And if any Person hereby disabled, or declared to be incapable to Sit or Vote in the House of Burgeses, shall nevertheless presume to Sit or Vote as a Member thereof, in any General Assembly; such Person so Sitting or Voting, shall forfeit the Sum of Fifty Pounds lawful Money: To be recovered by such Person as shall sue for the same, in any Court of Record within this Colony, by Action of Debt, Bill, Plaint, or Information, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

V. *PROVIDED nevertheless*, That such Person hereby declared to be disabled to Sit and Vote in the House of Burgeses, by Reason of his accepting such Office of Profit, shall and may be capable of being again elected.

C H A P. XI.

An Act for Encouraging the Making of Linen Cloth.

Preamble.

I. **F**ORASMUCH, as the Making and Manufacturing of Linen Cloth, will be of very great Service and Benefit to the poorer Sort of the People of this Colony, more especially, at a Time when the Staple Commodity of this Country will not afford them sufficient Maintenance and Support. Wherefore, for the Encouragement thereof,

Premium of
2^{lb}. of Tob^o.
upon every
Ell of Linen,
of the Breadth
& Fineness of
Osnabrigs, to
be paid to the
Maker. And
4^{lb}. of Tob^o.
for every Ell
of Linen of the
Breadth of $\frac{3}{4}$
of a Yard, and
the Fineness
of Doubls; to
be levied on
the County,
and repaid by
the Public.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That all and every Person and Persons, who shall, after the Commencement of this Act, make, or cause to be made, any Linen Cloth, of Flax, or Hemp, of the Growth and Produce of this Colony, of the Breadth and Fineness of good Osnabrigs, shall have, receive, and be paid, as a Reward, Two Pounds of Tobacco for every Ell of such Cloth. And that all and every Person and Persons, who shall make, or cause to be made of such Flax or Hemp, any Linen Cloth, of the Breadth of Three Quarters of a Yard, and of the Fineness of good Doubls, or of any greater Breadth or Fineness, shall have, receive, and be paid, as a Reward, Four Pounds of Tobacco, for every Ell of such Cloth. Which several Rewards shall be levied on the Inhabitants of the County, wherein such Cloth or Cloths shall be made, and repaid by the Country, at the next public Levy.

III. *AND be it also Enacted, by the Authority aforesaid*, That the several County Courts within this His Majesty's Colony and Dominion, be impowered, and every of them are hereby impowered, authorized, and required, at the Laying the County Levy, Annually to allow an Order, to all and every Person and Persons, claiming and demanding the Rewards aforesaid, or either of them, as due to such Person or Persons, by Virtue of this Act; and to assess, raise, and levy the same, upon the Tithable Persons within their respective County, by a Poll-Tax.

Person enti-
tled to the
Reward, shall
make Oath
before a Jus-
tice of Peace,

IV. *PROVIDED always, and it is the true Intent and Meaning of this Act*, That every such Person and Persons making such Linen, before he or they shall be entitled to claim or demand of such Court, the Reward or Rewards given by this Act, shall carry, or cause such Linen to be carried, before
some

some Justice of the Peace of the County wherein such Linen shall be made, and make Oath, or solemn Affirmation, as the Case may be, that the Linen by him or them produced to the said Justice, is of the Growth and Manufacture of this Colony; and that no Person or Persons whatsoever, hath or have before that Time received, or entitled him or themselves to receive, the Reward or Rewards given by this Act, for the making the same. And shall obtain from such Justice, a Certificate or Certificates, to such Court, of his or their having taken such Oath: And that such Linen is of the Breadth and Fineness of good Osnabrigs, or of the Breadth of Three Quarters of a Yard, and of the Fineness of good Doubls, or of greater Breadth or Fineness, as the Case shall be: And shall produce such Certificate or Certificates to such Court, at the Laying the Levy for such County.

It is to be noted that the Justice of the Peace shall give a Certificate to the Court of the County, and obtain a Certificate.

V. *AND be it further Enacted, by the Authority aforesaid, That this Act shall commence, and be in Force, immediately upon His Majesty's signifying His Roial Approbation thereof: And shall continue thereafter, for and during the Term of Five Years, and from thence to the End of the next Session of Assembly.*

Execution of the Act suspended, till His Majesty shall approve it, and to continue 5 Years.

C H A P. XII.

An Act for Restraining the Taking of excessive Usury.

I. **F**ORASMUCH as the Settling of Interest at a reasonable Rate, will be greatly beneficial to the Advancement of Trade and Improvement of Lands by good Husbandry, with many other considerable Advantages to this Colony. And whereas, divers Persons of late, have taken great and excessive Sums, for the Loan of Money, Goods, and Merchandize, to the great Discouragement of Ingenuity, and Industry, in the Husbandry, Trade, and Commerce, of this Colony:

Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That no Person or Persons whatsoever, from and after the Twenty Ninth Day of September, in the Year of our Lord One Thousand Seven Hundred and Thirty, upon any Contract to be made after the said Twenty Ninth Day of September, shall take, directly or indirectly, for Loan of any Monies, Wares, Merchandizes, or other Commodities whatsoever, above the Value of Six Pounds, for the Forbearance of One Hundred Pounds for One Year; and so after that Rate, for a greater or lesser Sum, or for a longer or shorter Time. And that all Bonds, Contracts, and Assurances whatsoever, made after the Time aforesaid, for the Paiment of any Principal, or Money to be lent or covenanted, to be performed upon, or for any Usury, whereupon, or whereby there shall be reserved or taken, above the Rate of Six Pounds in the Hundred, as aforesaid, shall be utterly void. And that all and every Person and Persons whatsoever, which, after the Time aforesaid, upon any Contract to be made after the said Twenty Ninth Day of September, shall take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Shift, or Interest of any Monies, Wares, Merchandizes, or other Thing or Things whatsoever; or by any deceitful Way or Means; or by any Covin, Device, or deceitful Conveyance, for the forbearing, or giving Day of Paiment, for one whole Year, of, or for their Money, or other Thing, above the Sum of Six Pounds, for the forbearing*

The Stat. 12 Car. 2. c. 13. Enacted.

None shall take above 6 per Cent. for a Year.

The Penalty.

A. D. 1739.

The Forfeiture of a Broker, that shall take above 5s. for the Forbearance of 100l. for a Year, and above 12d. for making a Bond.

The Forfeiture of a Broker, that shall take above 5s. for the Forbearance of 100l. for a Year, and above 12d. for making a Bond.

The Forfeiture of a Broker, that shall take above 5s. for the Forbearance of 100l. for a Year, and above 12d. for making a Bond.

bearing of One Hundred Pounds for a Year; and so, after that Rate, for a greater or lesser Sum, or for a longer or shorter Time; shall forfeit and lose, for every such Offence, the double Value of the Monies, Wares, Merchandizes, and other Things so lent, bargained, exchanged, or shifted.

III. *AND be it further Enacted, by the Authority aforesaid, That all and every Broker and Brokers, Solicitor and Solicitors, Driver and Drivers of Bargains for Contracts, who shall, after the said Twenty Ninth Day of September, take or receive, directly or indirectly, any Sum or Sums of Money, or other Reward or Thing, for Broakage, Solliciting, or Procuring, the Loan or Forbearing of any Sum or Sums of Money, over and above the Rate or Value of Five Shillings, for the Loan or Forbearing of One Hundred Pounds for a Year, and so rateably; or above One Shilling, for Making or Renewing the Bond or Bill, for Loan or for Forbearing thereof; or for any Counter Bond or Bill concerning the same; shall forfeit, for every such Offence, Twenty Pounds of lawful Money: The One Moiety of all which Forfeitures, to be to our Sovereign Lord the King, his Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the Other Moiety to him or them that will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this His Majesty's Colony and Dominion; wherein no Essoin, Protection, or Wager of Law, shall be allowed.*

C H A P. XIII.

An Act to exempt the Inhabitants of any County, wherein any Iron-Works are or shall be erected, from Clearing or Repairing the Roads leading to and from the same; for making Satisfaction to the Owners of any Lands lying contiguous to such Roads, for the Timber which shall be taken, for making or repairing Bridges in such Roads: And for giving further Encouragements to Adventurers in Iron-Works.

Recital of the Act passed Anno 1727.

I. **W**HEREAS, in and by one Clause of an Act of the General Assembly of this Colony, begun and held at the Capitol in the City of Williamsburg, the First Day of February, in the First Year of the Reign of our Sovereign Lord King George the Second, and in the Year of our Lord One Thousand Seven Hundred and Twenty Seven, intituled, *An Act for Encouraging Adventurers in Iron-Works*, It is is Enacted, by the Authority of the said General Assembly, that the Justices of the Peace respectively, in any County in which any Iron-Work is or shall be erected, shall, upon Application to be made, by the Owner or Owners, or chief Manager, of such Work, order and appoint good Roads to be laid out and made, from such Works to the nearest Place upon some navigable River, or Creek, where the Iron made at such Works may be brought and shipped off; and for bringing Stone and other Materials, for the erecting and carrying on such Work, before the same shall be finished, from thence; and shall also order such convenient Causeways and Bridges, as shall be necessary, for Carts, Waggons, or any other Wheel Carriages whatsoever, to pass in such Roads, to and from such Iron-Works, with the most Ease that can be: And such Highways and Bridges shall, during the Time such Iron-Works shall be maintained, be repaired and amended,

amended, in the same Manner, and under the same Penalties and Forfeitures, that other Highways and Bridges in this Colony, are to be repaired and amended: Which recited Clause of the said Act of the General Assembly is found, in sundry Respects, to be burthensome and grievous to divers of the Inhabitants of this Colony, in the Counties where Iron-Works are erected:

A. D. 1730.

II. THEREFORE, to remove such Burthens and Hardships, and to prevent the like for the future, *Be it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the passing of this Act, all Persons whatsoever, other than the Persons employed in such Iron-Works already erected, or hereafter to be erected, shall be exempted and discharged from clearing and repairing all Roads, Bridges, and Causeways, laid out, erected, and made, pursuant to the Directions of the aforesaid Act of Assembly; and shall also be exempted and discharged from laying out, making, clearing, and repairing all Roads, which shall hereafter be appointed by the County Courts, for the Benefit and Conveniency of such Iron-Works, and from the making and repairing all Bridges and Causeways in such Roads; any thing in the same, or any other Act of Assembly, to the contrary thereof, in any-wise, notwithstanding.

All Persons, except those employed in Iron Works, exempted from working upon Roads, leading to and from Iron-Works.

III. PROVIDED nevertheless, and it is the true Intent and Meaning of this Act, That all Roads which heretofore have, or hereafter shall be ordered by the General Court, or County Court, to be laid out, and cleared, for the Use and Conveniency of the Inhabitants of the Country or County, shall be cleared and maintained by the Surveyors appointed by the Courts, and the Inhabitants contiguous thereto.

Public Roads shall be amended, as formerly.

IV. AND for the better enabling Adventurers in Iron-Works, to carry on the same, *Be it further Enacted, by the Authority aforesaid,* That the Owners, or chief Managers, of such Works respectively, have full Power and Authority, from Time to Time, to cut down, take, and use so much Wood and Timber adjoining, or contiguous to the Roads already laid out, or which shall hereafter be appointed, for the Benefit and Conveniency of such Iron-Works, by the County Courts, pursuant to the Directions of the aforesaid Act of Assembly, as shall be necessary for the making and repairing convenient Bridges on the said Roads.

Adventurers in Iron-Works may take Wood and Timber, for making Bridges.

V. PROVIDED always, That such Owner, or chief Manager, shall make Satisfaction to the Proprietors of such Timber, as shall exceed Fifteen Inches Diameter, at the Butt End of the Tree: And that in Case, the Value thereof, cannot be agreed upon, between the Owner, or chief Manager, of any such Iron-Work, and the Proprietor of such Timber, or his or her Attorney; then, upon Application made by such Proprietor, or his or her Attorney, to any Justice of the Peace of the County, wherein such Timber shall be taken, the said Justice is hereby impowered and required, to order and appoint Three honest, disinterested Freeholders of such County, to value the same, on Oath, in Current Money, without Fee or Reward; and report such Valuation to the said Justice, or some other Justice of that County: And such Owner or chief Manager of such Iron-Work, shall, thereupon, be compellable to pay such Valuation to the Proprietor of such Timber, or his or her Attorney.

But shall pay for what exceeds 15 Inches Diameter, at the Butt End of the Tree. And if the Price cannot be agreed, upon Application to a Justice, it shall be appraised.

VI. PROVIDED also, That nothing in this Act contained, shall be construed, deemed, or taken, to give Liberty to any Owner, or chief Manager, of any such Iron-Work, to cut down, take, or use any Timber that shall be fit to make Clap-boards, without the Consent of the Proprietor thereof first had and obtained.

Provided, that no Timber, fit to make Clap-boards, shall be cut down, without the Consent of the Proprietor.

A. D. 1730.

Workers in
Iron exempt-
ed from serv-
ing in the
Militia.

VII. *AND* as a further Encouragement to Adventurers in Iron-Works, *Be it Enacted, by the Authority aforesaid,* That all Persons whatsoever, which, from and after the Passing this Act, shall be employed in and about the building and carrying on such Iron-Work, or the cutting of Wood, making of Coal, raising of Oar, or any other Thing necessary, for the carrying on, and compleating such Design, shall, during the Time of their being so employed, be exempted from serving in the Militia, at any General or Private Muster, except in the Case of an Invasion, Insurrection, or Rebellion. And that all and every Person and Persons now employed, or hereafter to be employed, in Manner aforesaid, in and about any Iron-Work already erected, shall, during the Time of their being so employed, be exempted and discharged from serving in the Militia, at any such Muster, (except as before is excepted.)

They shall
pay their Le-
vies, and be
repaid by the
Public, du-
ring the Term
of 7 Years.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That from and after the Passing of this Act, all Tithable Persons that shall be employed in and about the building and carrying on any such Iron-Work, or the cutting of Wood, making of Coal, raising of Oar, or any other Thing, necessary for the carrying on, and compleating such Design as aforesaid, shall be subject to the Paiment of Parish and County Levies. And that all such Tithable Persons, as shall be so employed in any such Iron-Works already erected, shall, for the Term of Seven Years next after the Passing of this Act, be exempted and discharged from the Paiment of public Levies. And that all such Tithable Persons as shall be employed, in Manner aforesaid, in any Iron-Works hereafter to be erected, shall, for the like Term of Seven Years, from and after the Beginning of such Works respectively, be likewise exempted and discharged from the Paiment of public Levies; any thing in the aforementioned Act of Assembly, to the contrary hereof, notwithstanding.

IX. *PROVIDED nevertheless,* That the Adventurers in such Iron-Works as are already erected, shall, for the Term of Seven Years, next after the Passing of this Act, be allowed, and have Credit in the public Levy, for so much Tobacco, as such Parish and County Levies shall amount unto: And that the Adventurers in such Iron-Works as shall hereafter be erected, shall, for the like Term of Seven Years, from and after the Beginning of those Works respectively, have the like Allowance and Credit in the public Levy.

Provided,
that these Ex-
emptions shall
be enjoined un-
der the Re-
strictions of
the former
Act.

X. *PROVIDED also,* That the Persons hereby intended to be entitled to the aforesaid Exemption from public Levies, and to the Allowance and Credit aforesaid, shall have, receive, and enjoy the same, under the like Provisoos and Restrictions, as are mentioned and expressed in the Act of Assembly aforesaid, and annexed to the Exemption thereby granted, from the Paiment of Levies; and not otherwise.

So much of
the former
Act, as is not
alter'd, is con-
firmed.

XI. *AND be it further Enacted, by the Authority aforesaid,* That the aforesaid Act of Assembly, intituled, *An Act for Encouraging Adventurers in Iron-Works,* for so much thereof as is not in and by this present Act altered, or made void, be, and the same is, hereby Confirmed and Established.

C H A P. XIV.

An Act to Revive the Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sherifs.

I. **W**HEREAS it hath been found by Experience, that one Act of Assembly made in the Seventh Year of the Reign of our late Sovereign Lord King George the First, intituled, *An Act for the Supply of certain Defects found in an Act prescribing the Method for appointing Sherifs*, is very useful and necessary; and it is since determined and expired:

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the said Act, made in the said Seventh Year of the Reign of our said late Lord the King, and every the Clauses, Articles, and Sentences therein contained, shall and be, and are hereby Revived, and made Perpetual.*

Made Perpetual.

C H A P. XV.

An Act for raising a Public Levy.

I. **B**E it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the Sum of Ten Pounds and an Half Pound of Tobacco, be paid by every Tithable Person, not exempted therefrom by Law, within this His Majesty's Colony and Dominion of *Virginia*, for the Defraying and Paiment of the Public Charge of the Country; being the Public Levy, from the First Day of *February*, One Thousand Seven Hundred and Twenty Seven, to the One and Twentieth Day of *May*, One Thousand Seven Hundred and Thirty. And that it be paid by the Collectors of the several Counties, to the several Persons to whom it is proportioned by this General Assembly. And if it shall happen, that there shall be more Tithables in any County, than the present Levy is laid on, then such County shall have Credit for so much, to the Use of the County; and if there shall happen to be fewer Tithables in any County, then such County shall bear the Loss.

Public Levy, 10lb. and $\frac{1}{2}$ of Tobacco per Poll.

C H A P. XVI.

An Act for Impowering Justices of Peace and Constables, to weigh Hemp, in order to entitle the Maker to receive the Bounty: And for paying to William Byrd, Esq; Five Pounds Four Shillings, due to him for the Bounty upon Hemp.

Part Public, and Part Private.

I. **W**HEREAS, by an Act of Assembly, made in the Eighth Year of the Reign of our late Lord, King George the First, intituled, *An Act for Encouraging the Making of Tar and Hemp*, It is Enacted, That the Sheriff or Under-Sheriff of every County, wherein any Hemp shall be made,

A. D. 1730.

being first duly sworn before the Court of such County so to do, shall truly weigh all Hemp made within his County, and duly certify unto the said Court the true Quantity thereof, together with the Name or Names of the Makers or Owners; and shall, at the Time of weighing every Person's Hemp, give a Certificate to the Owner, of the Quantity by him then weighed; and that at the Time the same was weighed, it was Water-rotted, bright, and clean: And for such his Trouble, have and receive from the Maker or Owner, the Sum of Five Shillings per Tun; and so in Proportion, for a larger or less Quantity. And whereas the Method prescribed by the said Act, for obtaining such Certificate as aforesaid, is found very inconvenient and troublesome to the Makers or Owners of Hemp: For making the same more easy, *Be it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That any Justice of the Peace, or Constable, of any County wherein any Hemp shall hereafter be made, may and shall, upon the Application and Request of the Maker or Owner thereof, truly weigh all such Hemp as to him or them shall be offered, and desired to be weighed, as aforesaid; and shall receive the same Reward for his Trouble; and shall give such Certificate to the Owner thereof, as by the said Act is directed: And moreover, shall duly certify to the County Court, the Quantity of Hemp by him as aforesaid weighed; together with the Name or Names of the Makers or Owners thereof. And he, she, or they, making such Oath as by the said Act is required, and that the Hemp mentioned in such Certificate hath been weighed by some Justice of the Peace, or Constable, of the County where the same was made; the Clerk of the said County is hereby required to certify the same, and the true Quantity thereof. And upon the producing such Certificate to the Governor or Commander in Chief of this Colony, for the Time being, the Maker thereof shall be entitled to receive the Bounty in the said Act mentioned, in the same Manner as if the same had been weighed by the Sheriff or Under-Sheriff of the County, according to the Directions of the aforesaid Act; any thing therein contained, to the contrary hereof, in any wise, notwithstanding.

II. AND whereas *William Byrd*, Esq; did obtain a Certificate from the Court of *Henrico*, dated in *December*, One Thousand Seven Hundred and Twenty Nine, upon the Oath of *Edward Booker*, Gentleman, for receiving the Bounty upon Twenty Six gross Hundreds of Hemp, made pursuant to the Directions of the said Act; when the said Certificate ought, by the Letter of the said Act, to have been made, upon the Oath of the Sheriff, or Under-Sheriff; by Reason of which Mistake, the said *William Byrd* could not receive the Bounty: *Be it therefore Enacted, by the Authority aforesaid,* That the Sum of Five Pounds Four Shillings, out of the Public Money, in the Hands of the Treasurer, be paid to the said *William Byrd*; being the Bounty given by the said Act, for the Quantity of Hemp aforesaid.

C H A P. XVII.

An Act for Erecting a new County, on the Heads of Stafford, and King George Counties.

Private.

I. **W**HEREAS divers and sundry Inconveniences attend the Upper Inhabitants of the said Counties, by Reason of their great Distance from their respective Court-Houses, and other Places usually appointed for

for public Meetings: *Be it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and immediately after the Twenty Fifth Day of *March*, One Thousand Seven Hundred and Thirty One, all the Land, on the Heads of the said Counties, above *Chopawansick* Creek, on *Potomack* River, and *Deep Run*, on *Rappabannock* River, and a South West Line to be made, from the Head of the North Branch of the said Creek, to the Head of the said *Deep Run*, be divided and exempt from the said Counties, and from all Dependences, Offices, and Charges, for, or in Respect thereof; and also discharged from all Duties whatsoever, relating to the same; and be made a distinct County; and shall be called, and known by the Name of *Prince William* County. And for the due Administration of Justice, *Be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That after the Time aforesaid, a Court, for the said County of *Prince William*, be constantly held by the Justices thereof, upon the Third *Wednesday* in every Month, in such Manner, as by the Laws of this Country, is provided, and shall be, by their Commission, directed. And whereas, the said Counties have considerable Claims from the Public, for killing of Wolves, *Be it also Enacted, by the Authority aforesaid,* That each of the said Counties respectively, shall contribute their Proportions of the said Claims, to the Inhabitants taken out of the said Counties, into the County of *Prince William*, according to their Number of Tithables.

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C H A P. XVIII.

An Act for making a new Parish, on the Head of Overwharton Parish, in Stafford County.

I. **W** H E R E A S many Inconveniences attend the Parishioners of *Overwharton* Parish, in the County of *Stafford*, by Reason of the great Length thereof: *Be it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the First Day of *January*, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty, the said Parish of *Overwharton* be divided into Two distinct Parishes, by *Chopawansick* Creek, and a South West Line to be made from the Head of the North Branch of the said Creek, to the Parish of *Hanover*; and that all that Part of the said Parish, which lies Below the said Bounds, shall, for ever thereafter, remain, be called, and known, by the Name of *Overwharton*: And that all that other Part of the said Parish, which lies Above the said Bounds, shall thereafter be called, and known by the Name of *Hamilton*, *And be it further Enacted, by the Authority aforesaid,* That the Freeholders and Housekeepers of the said Parish of *Hamilton*, meet at the Church above *Ockoquan* Ferry, in their said Parish, on the said first Day of *January*, and there elect and choose Twelve of the most able and discreet Persons of their Parish, to be Vestrymen for their said Parish; which Vestrymen so chosen as aforesaid, having taken the Oaths appointed by Law, and subscribed to be conformable to the Doctrine and Discipline of the Church of *England*, shall, to all Intents and Purposes, be deemed and taken to be the Vestry of the said Parish. And whereas, the Inhabitants of the new Parish have born a great Part of the Charge and Expence of the Building and Repairing of the Glebe of the Parish of *Overwharton*,

Private.

A. D. 1730.



ton, and other Houses belonging thereto; and now, by the Division thereof, must be at the Charge of Purchasing Land for a Glebe, and building convenient Houses on the same, *Be it Enacted, by the Authority aforesaid*, That the Vestry of the said Parish of *Overwharton*, as it shall be, after the Division, at the laying their next Parish Levy, shall raise and levy, for the Use of the said new Parish, the Sum of Ten Thousand Pounds of Tobacco, and Cask, towards the Purchasing them a Glebe; and shall cause the same to be paid convenient to some navigable River or Creek, within their said Parish.

C H A P. XIX.

An Act for Dividing the Parish of Saint George, in the County of Spotsylvania.

Private.

W H E R E A S many Inconveniences attend the Parishioners of Saint George Parish, in the County of *Spotsylvania*, by Reason of the great Length thereof: *Be it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That from and after the First Day of *January*, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty, the said Parish of Saint George, be divided into Two distinct Parishes: From the Mouth of the *Rappidan*, to the Mouth of the *Wilderness* Run; thence up the said Run, to the Bridge; and thence South West to *Pamunky* River: And that all That Part of the said Parish, which lies Below the said Bounds, shall for ever thereafter remain, be called, and known, by the Name of Saint George Parish: And that all That other Part of the said Parish, which lies Above the said Bounds, shall thereafter be called, and known, by the Name of Saint Mark. *And be it further Enacted, by the Authority aforesaid*, That the Freeholders and Housekeepers of the said Parish of Saint Mark, meet at the Church at *Germanna*, in their said Parish, on the said First Day of *January*, and there elect and choose Twelve of the most able and discreet Persons of their Parish, to be Vestrymen for their said Parish; which Vestrymen, so chosen, as aforesaid, having taken the Oaths appointed by Law, and subscribed to be conformable to the Doctrine and Discipline of the Church of *England*, shall, to all Intents and Purposes, be deemed and taken, to be the Vestry of the said Parish. And whereas, the Vestry of the Parish of Saint George, have lately levied a considerable Quantity of Tobacco, towards purchasing Land for a Glebe, and building Houses thereupon; *Be it Enacted, by the Authority aforesaid*, That the Vestry of the said Parish, as it shall be after the Division, shall repay to the Inhabitants of the new Parish, their Proportion of the said Tobacco, according to their Number of Tithables.

Private.

Chap. 20. *An Act to Enable the Justices of Peace of the County of Elizabeth City, and the Minister and Churchwardens of the Parish of Elizabeth City, in the said County, for the Time being, to take, and hold, certain Lands, given by Thomas Eaton, to charitable Uses; and to lett Leases thereof.*

Chap.

A. D. 1730.

- Chap. 21. *An Act for Vesting certain Lands belonging to the Church of Westover Parish, in Trustees, to be Sold; and for Laying out the Purchase Money in other Lands, for a Glebe for the said Church, and for Improving the same.*
22. *An Act to oblige the Court of Caroline County, to Levy on the Tithable Persons of the said County, a Proportion of the Wages of the Burgesses of Essex, King and Queen, and King William Counties, due for the last Session of Assembly; and also a Proportion of the last Public Levy.*
23. *An Act to prevent Swine running at Large, within the Limits of the Town of Hampton.*
24. *An Act to exempt certain German Protestants, in the County of Stafford, from the Paiment of Parish Levies.*
25. *An Act for Vesting certain entailed Lands, in William Randolph, an Infant, which were purchased by his Father, Thomas Randolph, Gent. deceased, of John Sutton Farrar; and for Settling other Lands and Negroes, given in Lieu thereof, of greater Value, to the same Uses.*
26. *An Act to Confirm the Title of Richard Randolph, Gent. in and to certain entailed Lands, purchased by him, of William Ligon; and for Settling other Lands, and Two Negro Slaves, of greater Value, in Lieu thereof, to the same Uses.*
27. *An Act to Enable Henry Cary, to Sell certain entailed Lands, in the County of Warwick; and for Settling Three Hundred and Six Acres of Land, with the Appurtenances, in the County of Henrico; and the Moiety of Three Thousand Nine Hundred and Forty Two Acres of Land, with the Appurtenances, in the County of Goochland, of greater Value, to the same Uses.*

A. D. 1730.

Chap. 28. *An Act for Vesting Four Hundred and Twenty Acres of Land, with the Appurtenances, in the County of Westmoreland, (being entail'd) in George Turberville, Gent. in Fee Simple; and for Confirming a Settlement of One Thousand Acres of Land, with the Appurtenances, in the County of Stafford, of greater Value, to the same Uses.*

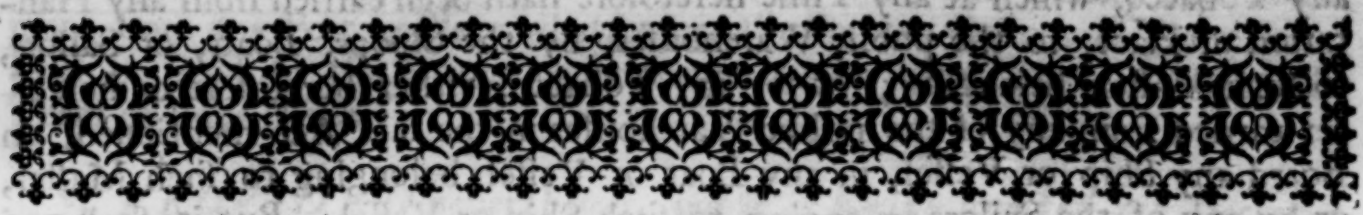
29. *An Act to Confirm the Sale of certain entailed Lands, in the County of King William, made by John Douglass, to John Frazer, in Fee Simple; and for Settling other Lands in the County of Brunswick, and Two Negro Slaves, of greater Value, to the same Uses.*

Signed by WILLIAM GOOCH, Esq; Governor.

John Holloway, Speaker.



At



At a GENERAL ASSEMBLY, begun and held at *Williamsburg*, the First Day of *February*, in the First Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c. And from thence continued, by several Prorogations, to the Eighteenth Day of *May*, 1732: Being the Third Session of this present Assembly.

CHAP. I.

An Act to enable the Masters of Ships, to employ their own Sloops, Boats, and Sailors, in Carrying Tobacco from the Public Warehouses, on Board their Ships.

I. ********* HEREAS, by one Clause of the Act made at the last Session of this Assembly, *For Amending the Staple of Tobacco, and for Preventing Frauds in His Majesty's Customs*, it was Enacted, "That no Master of a Ship, or other Vessel, should carry " to any Warehouse, or fetch from thence, or any Place whatsoever, in any Boat or Vessel to him belonging, or in any Vessel mann'd by the Sailors of the Ship or Vessel whereof he should be Master, any Tobacco, to be shipped upon Freight, upon Pain of forfeiting Ten Pounds of lawful Money, for every Hogshead, so carried, fetched, or put on Board: To be recovered by Action of Debt, in any Court of Record; one Moiety whereof should be to our Sovereign Lord the King, His Heirs and Successors, to be applied towards defraying the Expence of the Execution of this Act; and the other Moiety to the Person who should sue for the same: "

Preamble.

II. AND whereas, it is now found more expedient, for the Dispatch of Ships, to allow the Masters thereof a Liberty of Employing their own Sloops, Boats, and Sailors, in Carrying Tobacco from the Warehouses, on Board their Ships or Vessels, respectively;

III. BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That no Master of any Ship, or other Vessel, shall hereafter be liable to the Penalty or Forfeiture in the said recited Clause mentioned, for

AD. 1732.
Penalty re-
pealed, as to
the carrying
Tob^o. from
the Ware-
houses. And
all Masters of
Ships indem-
nified, as to
Tob^o. here-
tofore carried
to the Ware-
houses.

any Tobacco, which at any Time heretofore hath been carried from any Plan-
tation or Place, to the public Warehouses, by the Sloops, Boats, or Sailors,
to such Masters belonging; or for any Tobacco, either heretofore or hereaf-
ter carried from any of the public Warehouses in the said Act mentioned, on
Board any Ship or Vessel, in any Boat or Vessel belonging to such Master,
or by any of the Sailors belonging to such Ship or Vessel: But it shall and
may be lawful for all Masters of Ships, and other Vessels, to employ their
own Sloops, Boats, and Sailors, in carrying Tobacco from the said Warehou-
ses, on Board their Ships; any thing in the said Act, to the contrary not-
withstanding.

C H A P. II.

An Act for laying a Duty on Liquors.

May it please Your most Excellent Majesty,

Preamble.

I. **W** H E R E A S by an Act of Assembly made in the Twelfth Year of
the Reign of our late Sovereign Lord George the First, intituled,
An Act for laying a Duty on Liquors, a Duty or Custom of Three Pence,
was laid on every Gallon of Rum, Brandy, and other distilled Spirits; and on
every Gallon of Wine, which should be imported, or brought into this Co-
lony and Dominion, from and after the Tenth Day of *June*, then next en-
suing, for and during the Term of Five Years; and also One other Duty, of
One Penny, on every of the said Liquors imported, as aforesaid, after the said
Tenth Day of *June*, for and during the Term of Twenty One Years; of
which said last mentioned Duty, Two Hundred Pounds *per Annum* was by
the said Act appropriated to the Use of the College of *William and Mary*.

II. A N D whereas, by One other Act made at the last Session of this As-
sembly, the said Duty of Three Pence was continued for Four Years, upon
the Liquors aforesaid, (except such as should be imported in any Ship, or Ves-
sel, wholly and solely belonging to the Inhabitants of this Colony, which
were made liable to Half the Duty only :) And seeing Your Majesty, in Your
great Wisdom, has been pleased to disapprove and repeal the said Act,

III. W E Your Majesty's most dutiful and loyal Subjects, the Representa-
tives of Your People of the Colony and Dominion of *Virginia*, now met in
a General Assembly, beg Leave to represent to Your Majesty, That it is ab-
solutely necessary for the Support of this Government, to raise so much Mo-
ney Yearly, as may be sufficient to defray the Expences thereof, without sub-
jecting Your People to a Poll-Tax, which will be too grievous and burthen-
some to them, and will be the Occasion of great Murmuring and Discontent:
And as no better Expedient for this Purpose can be proposed, than by lay-
ing a more equal Duty upon Liquors, imported from Your Majesty's other
Plantations; which has, by long Experience, been found easy and agreeable
to Your Subjects, in this Colony,

WE do most humbly beseech Your Majesty, That it may be Enacted,

3 d. per Gal-
lon Duty up-
on Rum,
Brandy, and
Wine.

IV. A N D be it Enacted, by the Lieutenant-Governor, Council, and Bur-
gesses, of this present General Assembly, and it is hereby Enacted, by the Au-
thority of the same, That for every Gallon of Rum, Brandy, and other dis-
tilled Spirits, and for every Gallon of Wine, which, from and after the last
Day

Day of *July* next, shall be imported or brought into this Colony and Dominion, from any Port or Place whatsoever, the Duty or Custom of Three Pence shall be paid by the Owner or Importer of the same, for and during the Term of Four Years.

A. D. 1732.

V. *PROVIDED* nevertheless, and it is hereby Enacted and Declared, That no Duty or Custom whatsoever, shall be required or paid, for any of the Liquors before enumerated, which shall come directly from *Great-Britain*; but that all such Liquors shall remain and continue exempt and free from any Imposition, Duty, or Custom, levied or required by this Act, as if this Act had never been made.

Except what is imported from *Great-Britain*.

VI. *AND* be it further Enacted, That no Liquors whatsoever, liable to a Duty or Custom by Virtue of this Act, shall be landed, put on Shore, or any other Way delivered out of the Ship or Vessel importing the same, before due Entry be made thereof, with the Collector of the Duties in the Port or Place where the same shall be imported, and a true Account given, upon Oath, of the Number of Gallons every Cask did contain, according to the Invoice thereof at that Port or Place where the same was shipped and put on Board, and a Permit had, under the Hand of the said Collector, for Landing or Delivery thereof: And that all Liquors landed, put on Shore, or delivered, contrary to the true Intent and Meaning of this Act, or the Value thereof, shall be forfeited and lost; and shall or may be recovered of the Owners or Importers of the same; and may be seized and secured by any Officer of His Majesty's Customs of the Port or Place where the same shall be so landed, put on Shore, or delivered, or by any other Person or Persons whatsoever.

Entry to be made of such Liquors before Landing; otherwise the same shall be forfeited.

VII. *PROVIDED* always, That it shall and may be lawful for the Owner or Importer of any Liquors liable to the Payment of the said Duty, upon the Entry thereof with the Collector of the said Duty, to make Oath, as aforesaid, to the Number of Gallons contained in each Cask, before any Justice of the Peace of this Colony; and such Collector, upon his or their producing a Certificate from such Justice, of such Oath made, on the Back of the Invoice of such Liquors, shall and may, and is hereby required, to give a Permit for Landing or Delivery thereof.

The Owner may make Oath to the Quantity, before a Justice of Peace.

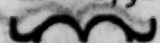
VIII. *AND* be it further Enacted, That the Master or Purser of every Ship, Barque, or other Vessel, importing Liquors liable to any Duty or Custom by Virtue of this Act, to any Port or Place within this Colony and Dominion, shall make a true and just Report, upon Oath, within Eight and Forty Hours after his Arrival, with the Collector of the Duties upon Liquors in the said Port or Place, of the Burthen, Contents, and Loading of such Ship, Barque, or other Vessel, with the particular Marks and Numbers of every Cask therein laden with Liquors, to the best of his Knowledge; and also where and in what Port the same were laden or taken on Board; upon Penalty of forfeiting One Hundred Pounds Current Money.

Liquors to be reported within 48 Hours.

IX. *PROVIDED* always, and it is hereby Enacted and Declared, That no Person or Persons whatsoever, shall be required to give an Account upon Oath, of the true Contents of any Pipe or Cask of Wine, imported directly from the Place where the same was made; but that upon every such Importation of Wine, the Owners or Importers thereof shall have Liberty to enter a Pipe at One Hundred Gallons, and all lesser Cask after the same Proportion; any thing in this Act contained to the contrary, or seeming to the contrary, notwithstanding.

A Pipe of Wine, shall be entered at 100 Gallons, and lesser Cask in Proportion.

A. D. 1732.



X. **AND** for the better Encouragement of all Persons whatsoever, to make due Entry and Paiment of the several Impositions, Duties, and Customs, laid upon Liquors by Virtue of this Act,

20 per Cent.
to be abated
for Leakage.

XI. *BE it further Enacted*, That in Consideration of the Filling and Leakage, every Collector of the said Impositions, Duties, or Customs, shall be, and is hereby authorised and required, to abate and allow to such Person or Persons as shall enter Liquors, and pay the Duties, Twenty Gallons in every Hundred, according to the Invoice of the said Liquors made and taken at the Port or Place where the same was laden and put on Board.

Penalty for
making a
false Entry.

XII. **AND** if any Person or Persons whatsoever, shall wittingly or willingly make a false Entry, and be convicted of the same, such Person or Persons shall forfeit and pay One Hundred Pounds Current Money.

Liquors liable
to be seized,
if Duty be not
paid or se-
cur'd in 10
Days after
Entry.

XIII. *AND be it further Enacted*, That the Collectors of the Duties or Customs upon Liquors, or any Person by them appointed, shall have full Power and Authority to go and enter on Board any Ship, or other Vessel; and from thence to bring on Shore any Liquors liable to a Duty or Custom by Virtue of this Act, if the Duty or Custom be not paid, or agreed for, within Ten Days after the first Entry of the said Ship, or Vessel, or Bond, with good and sufficient Security, given for Paiment of the same, at the Expiration of Six Months next after such Entry; which Bond, if offered, the Collector of the said Duties is hereby authorised and required to accept and take; and they are also authorised and impowered to stay and remain on Board the said Ship, or Vessel, until all such Liquors be discharged and delivered out of the same.

Penalty on
taking a
Bribe.

XIV. *AND be it further Enacted*, That if any Collector or Collectors of the Duties upon Liquors, or any other Person or Persons deputed or appointed by or under them, or any of them, shall, directly or indirectly, take or receive any Bribe, Recompence, or Reward, in any Kind whatsoever, or shall connive at any false Entry of any Liquors liable to a Duty or Custom, by Virtue of this Act, the Person or Persons therein offending, shall forfeit and pay the Sum of One Hundred Pounds Current Money, and be for ever afterwards disabled in his said Office, and rendered incapable of holding any Office or Employment, relating to the Customs within this Colony and Dominion: And the Person or Persons, giving or paying any such Bribe, Reward, or Recompence, shall forfeit and pay One Hundred Pounds Current Money.

Drawback
allowed, if
exported
within 6
Months.

XV. *PROVIDED always, and it is hereby further Enacted*, That if the Importer of any Liquors, of which the Duties and Customs, according to this Act, shall be paid, or secured to be paid, shall, within Six Months after the Importation thereof into this Colony and Dominion, be desirous to export the same, or Part thereof, in such Case the said Importers shall give a particular Account of the Contents, and the Marks and Numbers of the Casks or Vessels containing the Liquors he intends to export, to the Collector, with whom, at their Importation, they were entered; and shall subscribe the same, and declare upon Oath, that the Duty or Custom for the Liquors he desires to export, were, at the Entry, duly answered and paid, or secured to be paid, according to this Act; and that the said Liquors shall be directly carried out of this Dominion, and not sold, delivered, or put on Shore, within the same, or brought back again, without making a new Entry, and paying the Duty; and then it shall and may be lawful for the said Collector, and he is hereby required

required and enjoined, to allow to the said Importer, the whole Duty or Custom paid for the said Liquors so to be exported; any thing in this Act contained to the contrary, in any wise, notwithstanding.

A. D. 1732.

XVI. AND for an Encouragement to import Money into this Colony and Dominion, for Paiment of the Duties by this Act imposed,

Encourage-
ment to im-
port Money.

XVII. *BE it further Enacted*, That if the Owner or Importer of any Liquors, chargeable with the Paiment of the Duties on Liquors by this or the said former Act, shall actually import into this Colony any Sum or Sums of Money for paying the said Duties, and shall make Proof thereof before any Collector of such Duties, such Collector shall certify the same; and upon producing such Certificate to any Collector of the said Duties, such Collector is hereby authoris'd and impow'ed, to make an Abatement or Allowance of Fifteen *per Cent.* in the Paiment of such Duties on any Liquors, by him or them afterwards imported into this Colony, until such Sum or Sums of Money shall be all paid away; and upon Paiment of any lesser Sum than is mentioned in such Certificate, to such Collector for the Duties on Liquors, such Collector shall endorse the Sum so by him received, on the Back of such Certificate; but no Abatement or Allowance shall be made or allowed, for any Money imported by any other Person or Persons, than the Owner or Importer of the Liquors, who shall pay the Duties, by this Act, or the first recited Act aforesaid, imposed.

Persons im-
porting Mo-
ney for Pai-
ment of the
Duties, al-
low'd Fifteen
per Cent.

XVIII. *AND be it further Enacted*, That the several Forfeitures and Penalties which shall or may arise, by Virtue of this Act, shall be divided into Three equal Parts; One Third whereof, shall be to our Sovereign Lord the King, His Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; One Third Part thereof, to the Governor of this Colony and Dominion, for the Time being, to and for his own proper Use and Behoof; and the other Third Part, to him or them that will inform or sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Colony and Dominion; wherein no Effoin, Protection, or Wager of Law, shall be allowed.

Forfeitures
appropriated.

How to be
recovered.

XIX. *AND be it further Enacted*, That the Governor or Commander in Chief of this Colony, for the Time being, with the Advice of the Council, shall be, and is hereby impow'ed, from Time to Time, and at all Times hereafter, to nominate, constitute, and appoint, such and so many Collectors of the Duties laid by this Act, upon Liquors; as also such Salaries, not exceeding Six Pounds in the Hundred, for collecting the said Duty, as to him shall seem best.

Gövernör,
with Advice
of the Coun-
cil, to appoint
Collectors.
Their Salary
6 *per Cent.*

XX. *AND be it further Enacted*, That all and every such Sum and Sums of Money, which shall be raised, collected, and levied, by the Duty aforesaid, by Virtue of this Act, (the necessary Charges of collecting, managing, and accounting for the same, always excepted) shall, from Time to Time, be accounted for, and paid by the respective Collectors thereof, upon Oath, to John Holloway, Esq; Treasurer, or to the Treasurer of Virginia, for the Time being; and the said John Holloway, shall have all the Powers and Authorities, in the Execution of his Office, and the same Salary for receiving the Duties imposed by this Act, and give such Security, (and in Case of his Death or Disability, the Treasurer for the Time being, shall be appointed in the same Manner) as is directed and prescribed, by One Act made in the Twelfth Year of the late King George the First, intituled, *An Act for appointing a Treasurer*; and the said John Holloway, and the Treasurer for

Collector to
account with
the Treasurer
upon Oath,
for the Mo-
ney rais'd by
Virtue of this
Act.

Treasurer to
account with
the General
Assembly up-
on Oath.

Vid. 12 Geo.
1. Cap. 2.

A. D. 1732.

Duties to be
dispos'd by
the General
Assembly.

Collectors
may enter, or
break open,
by Warrant
from a Justice,
any House, to
search for, &
seize Liquors,
for which the
Duty is not
paid.

Officers sued
for any Thing
done in Exe-
cution of this
Act, may
plead the Ge-
neral Issue.

On Action,
&c. or Seizure
of Liquors,
where the
Property is
claimed, the
Proof shall
lie on the
Claimer.

Masters of
Vessels, trans-
porting Li-
quors from
one District
to another,

To make
Oath before
the Collector,
or some Jus-
tice, to the
Quantity of
Liquors on
Board.

And take a
Certificate.

On Forfeiture
of the
Value of the
Liquors.

How to be
recovered, &
disposed of.

for the Time being, shall account for the Duties aforesaid, to the General Assembly of this Colony, upon Oath. And the said Duties are hereby appropriated, and shall be issued, applied, and disposed, to such Use or Uses, as the General Assembly, from Time to Time, shall think fit to direct, for lessening the Levy by the Poll, or defraying any Public Expence, and to and for no other Use whatsoever.

XXI. AND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for all and every the Collector and Collectors of the Duties laid by this Act, to enter into any House, Warehouse, or Storehouse, in the Day Time, or (if Occasion be) by Warrant under the Hand of a Justice of the Peace, and in Company with a Constable, to break open in the Day Time, any House, Warehouse, or Storehouse, to search for, seize, and carry away, any Liquors on which a Duty is laid by this Act, and for which the said Duty shall not have been paid, or secured to be paid, according to the Directions herein given. And if any such Collector or Constable shall be sued or molested, for any thing done, in Execution of the Powers hereby given them, such Collector or Constable may plead the General Issue, and give this Act and the special Matter in Evidence; of which the Court, where such Suit shall be brought, shall allow: And if in such Suit the Plaintiff shall be nonsuited, or if Judgment shall pass against him, the Defendant shall recover double Costs.

XXII. AND be it further Enacted, That upon all Actions, Suits, or Informations to be brought, or where any Seizure of any Liquors, liable to a Duty or Custom, by Virtue of this Act, shall be made; if the Property thereof be claimed by any Person or Persons, as the Importer thereof, in such Case, the *Onus Probandi* shall lie upon the Owner or Claimer of such Liquors.

XXIII. AND be it further Enacted, by the Authority aforesaid, That every Master or Commander of any Ship, Boat, or other Vessel whatsoever, that from and after the Commencement of this Act, shall transport or carry any Liquors, on which a Duty is laid by this Act, from one District to another, within this Colony, shall, before he depart out of the District wherein such Liquors shall be laden or taken on Board, or wherein the same were first entered, make Oath, before the Collector of the Duties in the said District, or before some Justice of the Peace, near the Place where such Vessel shall ride, to the true Quantity of the Liquors on Board, to be transported; and that he will not take, or suffer to be taken, on Board the said Ship, Boat, or other Vessel, any more Liquors, on which a Duty is laid by this Act; and shall also take a Certificate from the said Collector, of the Quantity of Liquors then on Board; and that such Oath hath been made thereto: And if the Master of any Ship, Boat, or other Vessel, or other Person, shall, after the Commencement of this Act, transport from one District to another, any such Liquors, without having made such Oath, and obtained such Certificate as herein is directed, or shall deliver or put on Shore any Liquors, on which a Duty is laid by this Act, in any other District than where such Liquors were first entered, without having first produced to the Collector of the District to which such Liquors shall be carried, such Certificate, as aforesaid, on which Certificate shall be indorsed, by the Collector of the District last mentioned, the Time when the said Certificate was produced to him, every such Master so failing, shall forfeit the Value of the Liquors: To be recovered and disposed of in such Manner, as the Penalties and Forfeitures herein before-mentioned, are directed to be.

A. D. 1732.

C H A P. III.

An Act for laying a Duty upon Slaves, to be paid by the Buyers.

May it please Your most Excellent Majesty,

Preamble,

I. **W** E Your Majesty's most dutiful and loial Subjects, the Representatives of Your People in Your Colony and Dominion of *Virginia*, now met in a General Assembly, taking into our serious Consideration, the Exigences of Your Government here, and that the Duty laid upon Liquors will not be sufficient to defray the necessary Expences thereof; do humbly represent to Your Majesty, that no other Duty can be laid upon our Import or Export, without oppressing Your Subjects, than a Duty upon Slaves imported, to be paid by the Buyers, agreeable to Your Majesty's Instruction to Your Lieutenant-Governor: We therefore beseech Your Majesty, that it may be Enacted,

II. *AND be it Enacted, by the Lieutenant-Governor, Council, and Burgeses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Passing of this Act, there shall be levied and paid to our Sovereign Lord the King, His Heirs and Successors, for all Slaves imported or brought into this Colony and Dominion, for Sale, either by Land or Water, from any Port or Place whatsoever, by the Buyer or Purchaser, after the Rate of Five Pounds *per Cent.* on the Amount of each respective Purchase, within Forty Days next after such Bargain or Purchase made; to and for the Uses, Intents, and Purposes herein after mentioned, and to and for no other Use, Intent, or Purpose whatsoever: And if any Buyer or Purchaser of any Slave or Slaves, chargeable with the said Duty, by this Act, shall fail or neglect to pay the same, within Forty Days after any such Bargain or Purchase, for such Slave or Slaves, as shall be then living, and to give a just and true Account of the Slaves by him purchased, and for how much, to the Collector of the said Duty, nearest the Place where such Buyer or Purchaser inhabits, or where the Vessel, importing such Slaves, shall lie at the Time of the Sale, every such Person, so failing or neglecting, shall forfeit and pay, Five Pounds Current Money, for every Slave so concealed, or for which the said Duty shall not be paid, according to the Directions of this Act, within the Time aforesaid: And every Collector, upon Receipt of the said Duty by this Act imposed, is hereby enjoined and required to give a Receipt under his Hand, for the Money by him received, expressing the Number of Slaves for which the same was paid, and the Time of Payment thereof to the Person paying the same.

Five per Cent. Duty laid on the Amount of each Purchase of Slaves imported, to be paid by the Buyer, within Forty Days after such Purchase.

Penalty Five Pounds Current Money per Slave, on Persons failing to pay the same accordingly, or concealing any Slave so purchas'd.

Collector to give a Receipt for the Duty paid.

III. *AND for a Direction to the said Collectors, in receiving the said Duty in Current Money, where the Contract shall be made for Sterling, Be it Enacted, by the Authority aforesaid,* That when any Bargain or Contract shall be made, for any Slave or Slaves, in Sterling Money, there shall be answered and paid to the Collector of the said Duty, for the Difference of Money, after the Rate of Twenty Pounds *per Cent.* upon the Amount of the Purchase in Sterling Money, over and above the said Duty of Five *per Cent.* by this Act imposed, and no more.

Direction to the Collector in receiving the Duty in Current Money, where the Contract was for Sterling.

IV. *AND be it further Enacted,* That when any Person shall sell any Slave or Slaves for Tobacco, or any other Commodity, and not for Sterling, or Current Money, the Seller, at the Time of Sale, shall set a Value upon such Slave or Slaves, so sold, in Current Money, according to which Valuation, the Buyer or Purchaser shall be chargeable with, and pay to the said Collector

Slaves sold for Tob^o. &c. to be valued in Current Money. And the Purchaser to pay a Duty of 5 per Cent. thereon.

A. D. 1732.

Collector, or other Person impowered to receive the same, the said Duty of Five Pounds *per Cent*.

Sellers to receive the Duty for all Slaves sold to Persons not inhabiting in this Colony,

On Forfeiture of Five Pounds for each Slave sold.

No Duty on any Slave born here, or imported before the Passing of this Act.

Inhabitants of this Colony desiring to export their own Slaves, within 12 Months after their Importation, &c. to be allowed the whole Duty.

No Drawback for Slaves carry'd by Land or Water, into North-Carolina.

For discovery, ing the Number of Slaves sold, to whom, and whether the Duty be paid.

V. PROVIDED always, and be it further Enacted, That if any Person or Persons, after the Passing of this Act, shall sell any Slave or Slaves for which the said Duty is payable by Virtue thereof, to any Person not being an Inhabitant of this Colony, such Person or Persons so selling, shall, at the Time of the Sale, receive the said Duty, and account for, and pay the same to the Collector of the said Duty, nearest the Place where the Seller inhabits, or where the Vessel importing such Slaves shall lie at the Time of the Sale; upon Pain of forfeiting, for every Slave so sold, the Sum of Five Pounds Current Money.

VI. PROVIDED also, That no Duty shall be paid or required of the Buyer or Purchaser of any Slave born in this Colony, or imported or brought into the same before the Passing of this Act, or for which the said Duty shall have been once paid.

VII. PROVIDED also, and it is hereby further Enacted, That if any Person or Persons inhabiting within this Colony, shall really, and *bona fide*, buy or purchase any Slave or Slaves, for his or their own proper Use, Benefit, or Advantage, and not in Trust, or for the Use, Benefit, or Advantage, of any other Person or Persons, not being an Inhabitant within the same, for which the Duty shall be paid, according to this Act; and shall, within Twelve Months after such Bargain or Purchase so made, as aforesaid, be desirous to export such Slave or Slaves, such Buyer or Purchaser shall give a particular Account of the Number of Slaves he intends to export, to the Collector to whom the said Duty was paid, and shall subscribe the same; and declare, upon Oath, that he is the true and lawful Owner of the Slaves he desires to export, without any Trust for any other Person or Persons, and hath duly paid the Duty, according to this Act; and that the said Slaves shall be directly carried out of this Dominion, and upon his own Account and Risque, and not sold or brought back again within the same, unless the said Duty shall be repaid to the Collector thereof; and then it shall and may be lawful for the said Collector, and he is hereby required and enjoined, to allow such Buyer or Purchaser the whole Duty paid for such Slave or Slaves so to be exported; any thing in this Act contained to the contrary, notwithstanding.

VIII. BUT forasmuch, as it is very easy to convey Slaves into the Province of North-Carolina, and to bring them back again, and thereby to evade the Payment of the Duty aforesaid:

IX. BE it Enacted, by the Authority aforesaid, That no Drawback shall be allowed for any Slaves carried or exported by Land or Water, into the said Province of North-Carolina: And when any Person shall make such Oath as aforesaid, in order to entitle himself to the Drawback, he shall likewise swear, that the Slaves intended to be exported, shall not be carried into the said Province.

X. AND to the End, the Number of Slaves sold, and the Persons purchasing the same, and whether the Duty by this Act imposed, has been duly answered and paid, may be more certainly known and discovered:

XI. BE it further Enacted, That all and every Person and Persons, to whom after the Passing of this Act any Slaves shall be consigned, or by whom any Slaves shall be sold and disposed of, for which the Buyer or Purchaser shall

be

be chargeable with the Paiment of the said Duty, by Virtue of this Act, do and shall, within Three Months after any Slave shall be imported or brought into this Colony, by Land or Water, transmit to the next Collector of the Duties by this Act imposed, a List or Manifest, in Writing, of the Number of Slaves by him sold, to whom, and for how much; and therein shall distinguish and expers at what Time such Slaves were sold, and the Place of Abode of the Buyers, respectively, and how many Slaves, if any, remain unfold; and if any Slave shall remain unfold after the Expiration of the said Three Months, in that Case, such List or Manifest as aforesaid, shall be transmitted as aforesaid, to the said Collector, within Twenty Days after the said remaining Slaves shall be all sold: And every Buyer or Purchaser, liable to the Paiment of the Duty on Slaves, by Virtue of this Act, shall, if thereunto required by any Collector of the said Duty, at any Time after the Expiration of Forty Days from the Time of such Bargain or Purchase, at the usual Place of such Buyer or Purchaser's Abode or Residence, produce and shew to the said Collector, such Receipt as is herein before directed to be given, upon Paiment of the said Duties, to manifest the Paiment thereof; and if such Buyer or Purchaser shall fail to produce such Receipt, such Failure shall be taken for a Conviction, that the Duty, for which no Receipt shall be produced, hath not been duly answered and paid; and such Buyer or Purchaser, shall be liable to the Forfeitures and Penalties by this Act inflicted, for concealing purchased Slaves, or not paying the Duty within the Time herein before limited and appointed for Paiment thereof.

A. D. 1732.

The Seller to give a List to the Collector of all Slaves sold, to whom, at what Price, and when; & what remain unfold, after 3 Months.

And the Purchaser, if required, shall produce a Receipt for the Duty.

Penalty on Failure.

XII. *AND be it further Enacted*, That if any Buyer or Purchaser of any Slave or Slaves, chargeable with the Paiment of the Duty by this Act imposed, shall have imported into this Colony, any Sum or Sums of Money, and made such Proof, and obtained such Certificate, as in and by an Act of this present Session of Assembly, intituled, *An Act for laying a Duty on Liquors*, is mentioned and directed, upon producing such Certificate to the Collector of the said Duty, such Collector is hereby authorised and required, to make an Abatement or Allowance of Fifteen *per Cent.* in the Paiment of the Duty for any Slave or Slaves bought or purchased by the Importer thereof; and upon Paiment of the said Duty, the Collector thereof shall endorse on such Certificate the Sum by him received.

Purchasers of Negroes, importing Money, to be allowed 15 *per Cent.*

XIII. *AND be it further Enacted*, That the Forfeitures and Penalties which shall or may be incurred, by Virtue of this Act, shall be divided into Two equal Parts; One Moiety thereof, to the Governor or Commander in Chief of this Colony and Dominion, for the Time being, to and for his own Use and Behoof; and the Other Moiety, to him or them that will inform, or sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Forfeitures appropriated.

How recoverable.

XIV. *AND be it further Enacted*, That the Governor or Commander in Chief of this Colony and Dominion, for the Time being, shall be, and is hereby empowered, from Time to Time, and at all Times hereafter, to nominate, constitute, and appoint, such and so many Collectors of the Duties laid by this Act upon Slaves, as also such Salaries, (not exceeding Six in the Hundred) for Collecting the said Duties, as to him shall seem best.

Governor to appoint Collectors of this Duty.

Their Salary 6 *per Cent.*

XV. *AND be it further Enacted*, That all and every Sum and Sums of Money raised, or to be raised, by Virtue of this Act, shall be constantly accounted for by the Collector or Collectors thereof, upon Oath, and paid to John Holloway, Esq; Treasurer, or to the Treasurer of Virginia, for the Time

Collectors to account with the Treasurer upon Oath, for the Money raised by this Act.

A. D. 1732.
Treasurer
to give Security, in 1000
Pounds Sterl.

And to account with
the General
Assembly upon Oath.

Duty appropriated.

Continuance
of this Act.

Time being: And the said *John Holloway* (and, in Case of his Death, or Disability, the Treasurer for the Time being, who shall be appointed in the same Manner as is directed and prescribed by one Act made in the Twelfth Year of the Reign of the late King *George* the First, intituled, *An Act for appointing a Treasurer*;) shall give Security, in the Sum of One Thousand Pounds Sterling; and shall have all the Powers and Authorities, in the Execution of his Office, and the same Salary for receiving the Duty imposed by this Act, as in and by the said last mentioned Act are given and allowed: And the said *John Holloway*, and the Treasurer for the Time being, shall account for the Duties aforesaid, to the Governor, Council, and Burgeses of the General Assembly, upon Oath.

XVI. AND the said Duty is hereby appropriated, and shall be applied for the Lessening the Levy by the Poll, and to and for such other Use and Uses, as the General Assembly, from Time to Time, shall direct and appoint.

XVII. AND this Act shall continue and be in Force, for Four Years next after the Passing thereof, and no longer.

C H A P. IV.

An Act to continue the Act, for making more effectual Provision against Invasions and Insurrections.

I. **W**HEREAS the Act made in the First Year of His Majesty's Reign, intituled, *An Act for making more effectual Provision against Invasions, and Insurrections*, is near expiring; and it is expedient to provide for the Safety of the Colony, in Times of Danger,

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the said Act shall continue and be in Force for Three Years, from and after the Thirtieth Day of March next, and no longer.*

C H A P. V.

An Act to continue and make perpetual, an Act therein mentioned: And for empowering any Judge of the General Court to take Bail, when the said Court is not sitting; and to oblige Defendants to pay Costs, upon Over-ruling a Plea in Abatement; and for allowing any Person to plead several Matters.

Preamble.

Act 1 Geo. 2.
Cap. 3,

Expiring at
the End of
this Session,

I. **W**HEREAS the Act made in the First Year of His Majesty's Reign, intituled, *An Act for preventing Delays in Courts of Justice; for expediting and better settling the Proceedings in the General Court; and for the more speedy and easy Recovery of small Debts; and for repealing an Act for obliging Attornies prosecuting Suits, in Behalf of Persons out of the Country, to give Security for paying all Costs and Damages; and declaring in what Manner such Security shall be hereafter given*, will expire at the End of this Session of Assembly: And whereas the said Act has been found beneficial, to answer the End and Design thereof,

II. *BE*

A. D. 1732.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the before-mentioned Act, and every Clause, Matter, and Thing therein contained, shall stand and remain in full Force, and be perpetual.*

Is now made perpetual.

III. *AND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for any Judge or Justice of the General Court, and every such Judge or Justice is hereby authorised and impowered, when the said Court is not Sitting, to take a Recognisance of Bail, in any Action in the said Court depending, which shall be taken de bene esse; and if the Plaintiff, or his Attorney, shall except to the Sufficiency of the Bail so taken, Notice shall be given of such Exception, to the Defendant, or his Attorney, at least Ten Days before the next succeeding General Court; and if the Bail so taken, shall be judged insufficient by the Court, the Recognisance thereof shall be discharged, and such Proceedings shall and may be had against the Defendant or Defendants, as if no such Bail had been taken as aforesaid: But if the Bail so taken, shall be adjudged sufficient, or shall not be excepted to, within the Time aforesaid, then such Bail shall stand, and be chargeable in the same Manner, to all Intents and Purposes, as if the Recognisance had been taken in Court.*

Any Judge of the General Court, to take Bail out of Court, de bene esse;

Which may be excepted to.

IV. *AND for a further Prevention of vexatious Delays, Be it Enacted, by the Authority aforesaid, That where a Plea in Abatement shall be pleaded, in any Action in the said Court depending, and, upon Argument, the same shall be adjudged insufficient, the Plaintiff or Plaintiffs in any such Action, shall recover against the Defendant or Defendants full Costs, to the Time of Over-ruling such Plea, including the Costs of that Court in which such Plea shall be over-ruled, (a Lawyer's Fee only excepted:) And that the Plaintiff in Replevin, or the Defendant in any other Action, may, with the Leave of the Court, plead as many several Matters, as he shall think necessary for his Defence, so as they be not admitted to plead and demur to the Whole.*

On a Plea in Abatement over-ruled, Defendant to pay full Costs.

Party may plead several Matters.

CHAP. VI.

An Act to make the Stealing of Slaves, Felony, without Benefit of Clergy.

I. **W**HEREAS divers wicked and evil-disposed Persons, intending the Ruin and Impoverishing of their Fellow Subjects, have devised, and of late Times frequently practised, in several Parts of this Colony, unlawful and wicked Courses, in secretly taking and carrying away sundry Negro, Mulatto, and Indian Slaves, and conveying them out of this Dominion, or into Places remote or unknown to the Owners of such Slaves, to the insupportable Wrong and Damage of many of His Majesty's good Subjects: For Prevention whereof,

Preamble,

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted and Declared, by the Authority of the same, That if any Person or Persons, from and after the Passing of this Act, shall steal any Negro, Mulatto, or Indian Slave whatsoever, out of, or from the Possession of the Owner or Overseer of such Slave,*

Stealing Slaves, Felony, without Benefit of Clergy.

A. D. 1732. the Person or Persons so offending, shall be, and are hereby declared to be Felons; and shall suffer Death, without Benefit of Clergy.

C H A P. VII.

An Act for settling some Doubts and Differences of Opinion, in Relation to the Benefit of Clergy; for allowing the same to Women; and taking away of Reading; and to disable certain Persons, therein mentioned, to be Witnesses.

Preamble. **I. W**HEREAS it has been held, That where, by an Act of Parliament, made in *England* before the Settlement of this Colony, the Benefit of Clergy, as it is called, hath been taken away from any Offences, that Persons committing the like Offences in this Colony, are excluded by Virtue thereof; but this Opinion, if it were nicely examined, might possibly be questioned: And for settling the Law in that Point,

All Acts of Parliament before 4 Jac. 1. for taking away Clergy, declared to be binding here.

II. B E it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and by the Authority of the same, That where, by any Act of the Parliament of *England*, made before the Fourth Year of the Reign of the late King *James* the First, the Benefit of Clergy is taken away from any Offence, the same shall hereafter be adjudged to be taken away from the like Offence, committed in this Colony, in Respect to Principals, and Accessories standing mute, and challenging a greater Number of the Jury than the Law allows.

Clergy allowed to Women.

III. A N D whereas the old Distinction, of allowing the Benefit of Clergy, to Men only, and excluding Women, and putting the Offender, being a Layman, to read, hath been taken away by the Parliament of *England*: *Be it Enacted*, That where a Man, being convicted of any Felony, may demand the Benefit of his Clergy, if a Woman be convicted of the same, or the like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death shall not be given against her upon such Conviction, nor Execution awarded upon any Outlawry, for such Offence; but she shall suffer the same Punishment as a Man should suffer, that has the Benefit of his Clergy allowed him in the like Case; That is to say, shall be burnt in the Hand by the Jailor in open Court, and shall be afterwards dealt with, as a Man in the like Case might be. And if any Person be convicted of a Felony, for which he ought to have the Benefit of Clergy, and shall pray to have the Benefit of this Act, he shall not be required to read, but without any Reading, shall be allowed, taken, and reputed to be, and punished as a Clerk convict; which shall be as effectual, to all Intents and Purposes, and as advantageous to him, as if he had read as a Clerk; any other Law or Statute, to the contrary hereof, in any wise, notwithstanding.

Reading not required.

Negros, &c. within this Act.

IV. A N D whereas a Question hath lately arisen, touching the Right of Negros, to the Benefit of Clergy: For the Determination thereof, *Be it further Enacted*, That when any Negro, Mulatto, or Indian whatsoever, shall be convicted of any Offence within the Benefit of Clergy, Judgment of Death shall not be given against him or her, upon such Conviction; but he or she, shall be burnt in the Hand in open Court, by the Jailor, and suffer such other corporal Punishment, as the Court shall think fit to inflict; except where such Negro, Mulatto, or Indian, shall be convicted of Man-slaughter,

Except, &c.

slaughter, or the felonious Breaking and Entering any House in the Night-Time, or for Breaking and Entering in the Day-Time any House, and taking from thence any Goods or Chattels whatsoever, to the Value of Five Shillings Sterling; and where he or she hath once had the Benefit of this Act; and in those Cases, such Negro, Mulatto, or Indian, shall suffer Death, and be excluded from the Benefit of this Act.

A. D. 1732.

V. AND whereas Negros, Mulattos, and Indians, have lately been frequently allowed to give Testimony as lawful Witnesses in the General Court, and other Courts of this Colony, when they have professed themselves to be Christians, and been able to give some Account of the Principles of the Christian Religion: But forasmuch as they are People of such base and corrupt Natures, that the Credit of their Testimony cannot be certainly depended upon, and some Juries have altogether rejected their Evidence, and others have given full Credit thereto: For preventing the Mischiefs that may possibly happen by admitting such precarious Evidence,

Negros, Mulattos, & Indians, disabled to be Witnesses.

VI. BE it further Enacted, That no Negro, Mulatto, or Indian, either a Slave or Free, shall hereafter be admitted in any Court of this Colony, to be sworn as a Witness, or give Evidence in any Cause whatsoever, except upon the Trial of a Slave, for a Capital Offence; in which Case they shall be allowed to give Evidence, in the Manner directed by One Act of Assembly, made in the Ninth Year of the Reign of the late King George, intituled, *An Act directing the Trial of Slaves committing Capital Crimes; and for the more effectual punishing Conspiracies and Insurrections of them; and for the better Government of Negros, Mulattos, and Indians, bond or free.*

C H A P. VIII.

An Act prescribing the Method for proving Book-Debts.

I. WHEREAS the Trade of Merchandise in this Colony, is chiefly carried on by Retail, and Goods, Wares, and Merchandises, are generally delivered to those that buy them, by the Retailer himself; and it very frequently happens, that no body is privy thereto but the Buyer and Seller, so that in many Cases there may be a Defect of legal Evidence to charge such Buyer, and by that Means a fair Trader may sometimes be hindered from recovering a just Debt: And forasmuch as no Law now in Force doth determine what shall be lawful Evidence in such Cases, and many Disputes and Difficulties in the several Courts of this Colony do frequently arise thereupon, and different Notions and Opinions prevail; and altho' allowing the Plaintiff in all Cases, to prove his Debt by his own Oath, may have been attended with great Inconveniences, and occasioned frequent Perjuries, yet on the other Hand, it may be necessary for the Support of Trade, in such a Course of Dealing, to allow the Plaintiff's Book, proved by his own Oath, to be given in Evidence:

Preamble.

II. BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and by the Authority of the same, That where-ever any Person or Persons, hath brought, or hereafter shall bring, any Action of Debt, or upon the Case, and therein hath declared, or shall declare, upon an *Emisset*, or *Indebitatus Assumpsit*, for Goods, Wares, or Merchandises, by him sold and delivered to any other Person or Persons, and upon the Trial of such Action, shall declare, upon his corporal Oath, or solemn

Method of proving Store Accounts.

A. D. 1732.

Book of a
dead Person,
Evidence.

solemn Affirmation, as the Case may be, that the Matter in Dispute is a Store-Account, and that he hath no Means to prove the Delivery of the Articles therein contained, or any of them, but by his Store-Book, in that Case such Book shall and may be given in Evidence upon the Trial, if he shall make out by his own Oath, that such Book doth contain a true Account of all the Dealings between him and the Defendant from the Beginning, or the last Settlement of Accounts between them; and that all the Articles therein charged, were *bona fide* delivered; and that he hath given all just Credits due to the Defendant in such Account; and such Book and Oath shall be admitted and received as good Evidence, for any of the Articles for Goods delivered within Eighteen Months before the same Action brought, but not for any Article of a longer standing: And where the Person who delivered such Goods, Wares, or Merchandises, shall die, his Executors or Administrators may give his Store-Book in Evidence, upon his or their making Oath, that there are no Witnesses to his or their Knowledge, capable of proving the Delivery of the Goods or Merchandises therein mentioned; and that he or they found the Book so stated, and don't know of any Credit to be given; and such Book and Oath shall be admitted and received as Evidence, for any of the Articles for Goods delivered, within the Time aforesaid.

But may be
opposed by
other Evi-
dence.

III. *PROVIDED nevertheless*, That the Defendant shall be at Liberty to contest the Plaintiff's Evidence, and to oppose the same by other legal Evidence: And where the Defendant shall be an Executor or Administrator, his Testator or Intestate's Book, shall and may be given in Evidence against the Plaintiff's Book, where the Plaintiff is an Executor or Administrator.

No Evidence
to be receiv'd
to an open
Account after
3 Years; ex-
cept in the
Case of a Per-
son beyond
the Seas.

IV. *PROVIDED also, and be it further Enacted*, That no Book of Accounts, although the same may be proved by any Witness or Witnesses, shall hereafter be admitted or received in Evidence in any Action, for any Money due for Wares, Goods, or Merchandises hereafter to be delivered, or for Work hereafter to be done, above Three Years, before the same Action brought; except in Case of a Merchant residing in *Great-Britain*, or in other Parts beyond the Seas, or where the Accounts shall be stated, settled, and signed by the Parties.

18 Months
allowed for
Debts now
due.

V. *PROVIDED nevertheless, and be it further Enacted*, That for the Recovery of any Debt now due for Goods, Wares, and Merchandises, heretofore delivered, the Plaintiff within Eighteen Months from the Passing this Act, shall be allowed to give his Store-Book in Evidence, being proved by his own Oath, in the Manner before directed; and in Case of Executors or Administrators, the like Evidence shall be admitted and received, as is before directed, for the Recovery of any Debt hereafter to be contracted.

C H A P. IX.

An Act to amend and explain the Act, for Amending the Staple of Tobacco; and for preventing Frauds in His Majesty's Customs.

Preamble.

I. **W**HEREAS, by the Act made at the last Session of this General Assembly, for Amending the Staple of Tobacco, and for preventing Frauds in His Majesty's Customs, it was Enacted, "That if any Master or Commander of any Ship or Vessel, shall take on Board, or suffer to be
" taken

“ taken on Board the Ship or Vessel, whereof he is Master, any Tobacco brought
 “ from any other Place, than some or one of the Public Warehouses therein
 “ after mentioned, or any Hogshead, Case, or Cask of Tobacco, not stamped
 “ by some lawful Inspector; or shall suffer to be brought on Board any To-
 “ bacco whatsoever, except in Hogsheads, Casks, or Cases stamp'd, as aforesaid,
 “ every such Master or Commander, shall forfeit and pay Twenty Pounds of
 “ lawful Money, for every Hogshead, Cask, or Case of Tobacco, which shall
 “ not have been brought from one of the said Public Warehouses, or which
 “ shall not be stamped as aforesaid: And every Hogshead, Cask, Box, Chest,
 “ or Case, or other Package or Parcel of Tobacco, which shall be taken on
 “ Board any Ship or other Vessel, shall be forfeited.”

A. D. 1732.

II. AND whereas the Penalty inflicted by the said Act for Tobacco taken on Board such Ships or Vessels, in Bulk or Parcels, is judged insufficient effectually to prevent that Evil:

III. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the Master or Commander of any Ship or Vessel, wherein any Parcel or Bulk of Tobacco shall be found, shall, over and above the Forfeiture thereof, forfeit and pay Twenty Shillings Current Money, for every Hundred Pounds Weight of such Tobacco, and so proportionably for a less Quantity, which shall be found on Board his Ship or Vessel; One Moiety thereof to the King, His Heirs and Successors, to be applied towards defraying the Expence of the Execution of the said Act; and the other Moiety to the Informer: To be recovered, if it doth not exceed Five Pounds, before any Two Justices of the Peace, of any County near to the Ship; and if it exceeds Five Pounds, in any Court of Record, by Action of Debt, wherein the Plaintiff shall recover his Costs: And moreover, any Justice of the Peace of any County, near the Place where any Ship or Vessel shall ride, upon Application to him made by any Person, suspecting Bulk or Parcel Tobacco to be on Board such Ship or Vessel, shall, and is hereby impowered and required, to issue his Warrant, directed to the Sheriff, or any Constable of his County; and the Sheriff or Constable, shall have full Power and Authority, to enter and go on Board such Ship or Vessel, and to search for, and seize such Tobacco; and the same being seized, shall be brought on Shore, and carried before the same or any other Justice, who shall cause the same to be immediately weighed, and burnt by such Sheriff or Constable. And if any Master or Commanding Officer of such Ship or Vessel, or any other Person, shall resist the Officer in the Execution of any such Warrant, every such Master or Commanding Officer, shall forfeit and pay the Sum of Fifty Pounds; and every such Sailor or other Person so resisting, shall forfeit and pay Ten Pounds Current Money; to be distributed and recovered as aforesaid.

Additional
Penalty upon
taking on
Board, Bulk
Tobacco, &c.

IV. AND whereas, Doubts have arisen upon the Construction of that Part of the said Act of Assembly, which relates to the Water-bearing of Tobacco to the Warehouses, whether the Water-bearing Tobacco thereto, in Bulk and Parcels, be not thereby absolutely prohibited: *It is hereby Declared,* That nothing in the said Act contained, was meant or intended, or shall be construed to prohibit any Person or Persons whatsoever, from carrying or causing to be carried to such Warehouses, in any Boat or other Vessel, any Tobacco in Bulk or Parcels, for the Payment of his, her, or their Levies, Debts, or other Duties.

The former
Act explain'd
as to Water-
bearing Par-
cels of To-
bacco.

V. AND whereas, by the said Act, Public Warehouses were appointed to be built and established at *Quantico*, upon *Robert Brent's Land*, and *Great Hunting-*

A. D. 1732.

New Ware-
houses ap-
pointed.

Hunting-Creek, upon *Broadwater's* Land, in *Prince William* County, under One Inspection; and Houses were built accordingly on *Brent's* Land, which have been since burnt; but *Broadwater's* Land being found very inconvenient, no House was built there, pursuant to the said Act, but a Warehouse in the room of it, was built upon *Simon Pearson's* Land, upon the Upper Side of *Great Hunting-Creek*; and in the room of the Warehouse upon *Brent's* Land, a Warehouse has been since built at the Head of *Quantico*, upon *Richard Brit's* Land: *Be it therefore Enacted*, That the said Warehouse upon *Pearson's* Land, and the Warehouse upon *Brit's* Land, be hereby established, and shall be accounted Public Warehouses within the Meaning of the said former Act; any thing therein to the contrary thereof, notwithstanding. And that for the Ease of the Inhabitants of the said County of *Prince William*, One other Warehouse shall be built, according to the Directions of the said former Act, at *Pobick*, upon Mr. *Dennis McCarty's* Land; and the same shall be likewise established as a Public Warehouse. *And be it also Enacted*, That one other Public Warehouse be established upon Mr. *John Bolling's* Land, in the County of *Henrico*, opposite to *Appamatow-Point*, at Col. *Bolling's*, to be added to that Inspection; and that the Houses already built there, shall be made Use of, for that Purpose; and the Rent thereof settled by Commissioners, according to the Directions of the said Act.

Two Inspectors to be appointed for every Warehouse.

Except, &c.

VI. *AND be it also Enacted, by the Authority aforesaid*, That all Tobacco, which after the Tenth Day of *November* next, shall be brought to any Public Warehouse, by this or the afore-recited Act appointed, shall be viewed by Two Inspectors, to be qualified and appointed for every Warehouse, in such Manner as the said Act doth direct; and the same shall be viewed, examined, weighed, and stamped, or burnt, accordingly; except the Warehouses hereafter mentioned, which shall be under One Inspection, and attended by Two Inspectors only, (that is to say,) The Warehouse at *Appamatow-Point*, in *Prince George*, and the Warehouse in *Henrico* County, opposite to it, under the same Inspectors: And the Warehouses at *Roy's*, in the County of *Caroline*, and *Gibson's*, in the County of *King George*, under the same Inspectors: At *Corotoman*, and the Widow *Davis's*, in *Lancaster* County, under the same Inspectors: At the *Capitol* Landing and *College* Landing, in *Williamsburg*, under the same Inspectors. But if the said Two Inspectors, shall at any Time, disagree in their Judgment, concerning the Quality of any Tobacco brought for their Inspection, to any Warehouse under their Charge, they shall, without Delay, or as soon as conveniently may be done, call from the next adjacent Warehouse or Inspection, another Inspector, who shall determine the Difference, and pass or reject such Tobacco; and One of the Inspectors differing in Opinion, shall attend at the Warehouse from whence that Inspector was called, until the Inspector so called, shall return back to his Duty at the other Warehouse. And that when any Inspector shall bring his own Tobacco to the Warehouse whereof he is an Inspector, the same shall not be passed, or stamped, unless it be first viewed, examined, and found good, and qualified as aforesaid, by the other Inspector there attending, and by One or both of the Inspectors, as the Case shall require, from the next adjacent Warehouse; any thing in the said Act of Assembly to the contrary hereof, notwithstanding.

Inspectors
Notes current
without Seal,
and to be dis-
charged in
Hogsheads
800 nett.

VII. *AND be it further Enacted, by the Authority aforesaid*, That Notes under the Hands of the said Inspectors, for Tobacco brought to any Inspection, for the Discharge of any Public or Private Debt or Duty, shall be current, and payable, according to the Directions of the said Act, without Sealing or Stamping: And that the said Inspectors be obliged to make every Hogshead of Tobacco, by them paid away, in Discharge of any Notes by them given,

given, as aforesaid, to contain Eight Hundred Pounds Weight of Net Tobacco, at the least. A. D. 1732.

VIII. AND whereas, in and by the before mentioned Act, it is Enacted, That from and after the First Day of *August*, which should be in the Year of our Lord, One Thousand Seven Hundred and Thirty One, all Tobacco whatsoever, which should be due and payable for any Public, County, or Parish Levies, and Tobacco for discharging any Quit-Rents, or Secretary's, Clerks, Sheriffs, Surveyors, or other Officers Fees, should be first inspected, according to the Directions of the said Act, and paid by the Person or Persons from whom such Debts and Duties should be due or owing, at some or one of the Warehouses therein mentioned, for the respective Allowances therein expressed, and particularly settled and enumerated; and some Doubts and Disputes have been raised thereupon, how those Allowances ought to be made: For settling the same, and preventing the like for the future, *Be it Enacted and Declared*, That for all Tobacco paid in Discharge of Quit-Rents, Secretary's, Clerks, Sheriffs, Surveyors, or other Officers Fees, according to the Directions of the said Act, the Allowances therein mentioned, be made, and deducted out of every Hundred charged upon the Person paying; and for all Tobacco paid for Public, County, and Parish Levies, the Payer shall be allowed the same that is levied upon every Tithable, in the County, and Parish, for Convenience.

How the Allowances shall be made, for Inspectors Notes.

IX. AND whereas, in and by the said Act, it is Enacted, That if any Inspector shall stamp any Hogshead, Case, or Cask of Tobacco, which shall be found to contain any bad or unsound Tobacco, or Trash, or not well packed, every Inspector so stamping such Hogshead, Case, or Cask of Tobacco, shall forfeit and pay for every Hogshead, Case, or Cask of Tobacco so stamped, the Sum of Ten Pounds of lawful Money; by Reason of which Penalty, some Inspectors are too scrupulously nice, in passing Transfer-Tobacco, lest when they are to pay it away, it should be condemned, on a Review, by Three Justices; in which Case, they are not only liable to the same Penalty, but by a further Provision in the said Act, the said Tobacco is to be burnt: And it being judged, that the Inspectors Oath, and the Loss of the Tobacco, if condemned, and the Obligation they lie under, of making it good, are sufficient Restraints on the said Inspectors, to hinder them from passing bad Tobacco, *Be it Enacted, by the Authority aforesaid*, That the said Penalty of Ten Pounds by the said Act inflicted, be from henceforth repealed, and made void.

Penalty of 10 l. per Hogshead, in the former Act, for Tobacco condemned on a Review, repealed.

X. AND forasmuch as the Salaries allowed to the Inspectors, by the said Act of Assembly, are found by Experience to be too high, and very unequally settled, with respect to the Merit of their respective Services, very great Quantities of Tobacco being brought to some Inspections, and but small Quantities to others; and yet those Inspectors who have little Business to do, and are at small Expence in keeping Servants to attend the same, receive an equal Salary with the other Inspectors who have much more Business, and are at greater Expence of Servants, besides their own Labour: To the End the Salaries or Allowances to the Inspectors may be settled on a more equal Footing, *Be it Enacted, by the Authority aforesaid*, That the said Act of Assembly, for so much thereof as directs the Salary or Allowance of Sixty Pounds *per Annum*, to be paid to each Inspector, be from and after the said Tenth Day of *November*, repealed and made void: And to each and every of the Inspectors to be continued or appointed, by Virtue of this Act, there be allowed and paid as followeth, (to wit,)

The Salaries of the Inspectors altered; & the former Act repealed for so much.

A. D. 1732.

The several
Salaries to
each Inspec-
tor.

TO each Inspector, in *Henrico County*, at *Warwick*, Fifty Pounds *per Annum*; at *Shockoe's*, the same; at *Bermuda-Hundred*, Forty Pounds *per Annum*; at *Col. Randolph's*, Thirty Pounds *per Annum*.

IN *Prince George's County*, at *Appomatox-Point*, and the Warehouse opposite to it, Fifty Pounds *per Annum*; at *Col. Robert Mumford's*, Forty Pounds *per Annum*; at *Powel's Creek*, Thirty Pounds *per Annum*; at *Merchants Brandon*, the same.

IN the County of *Surry*, at *Cabbin Point*, Fifty Pounds *per Annum*; at *Gray's-Creek*, Thirty Pounds *per Annum*.

IN the County of *Isle of Wight*, at *Warwicksqueak-Bay*, Thirty Pounds *per Annum*; at *Wainwright's*, Forty Pounds *per Annum*.

IN the County of *Charles City*, at *Swineberd's*, Forty Pounds *per Annum*; at *Soans's*, the same.

IN the County of *Nansemond*, at *Lawrence's*, Forty Pounds *per Annum*; at the *Widow Constance's*, the same; at *Sleepy-Hole*, the same.

IN the County of *Norfolk*, at *Norfolk Town*, Thirty Pounds *per Annum*.

IN the County of *Princess Anne*, at *Kemp's Landing*, Thirty Pounds *per Annum*.

IN the County of *Elizabeth City*, at the Town of *Hampton*, Thirty Pounds *per Annum*.

IN the County of *Warwick*, at *Warwick Town*, Thirty Pounds *per Annum*.

IN the County of *York*, at *Roe's Storehouse*, Thirty Pounds *per Annum*; at the *Capitol* and *College Landings*, Fifty Pounds *per Annum*; at the Town of *York*, Forty Pounds *per Annum*.

IN the County of *James City*, at *Hog-Neck*, Thirty Pounds *per Annum*.

IN the County of *Gloucester*, at *Gloucester Town*, Forty Pounds *per Annum*; at *Deacon's Neck*, the same; at *Poropotank*, Thirty Pounds *per Annum*.

IN the County of *Hanover*, at *Crutchfield's*, Sixty Pounds *per Annum*; at *Mr. Meriwether's*, Thirty Pounds *per Annum*.

IN the County of *King and Queen*, at *Todd's*, Fifty Pounds *per Annum*; at *Mantapike*, Forty Pounds *per Annum*; at *Shepherd's*, Fifty Pounds *per Annum*.

IN the County of *King William*, at *Aylet's*, Fifty Pounds *per Annum*; at *Quarles's*, Thirty Pounds *per Annum*; at *Williams's*, Forty Pounds *per Annum*.

IN the County of *New-Kent*, at *Chamberlayne's*, Forty Pounds *per Annum*; at *Taskanask*, Thirty Pounds *per Annum*.

IN the County of *Middlesex*, at *Urbanna*, Thirty Pounds *per Annum*; at *Kemp's*, Forty Pounds *per Annum*. IN

IN the County of *Essex*, at *Hobb's-Hole*, Forty Pounds *per Annum*; at *Bowler's*, Thirty Pounds *per Annum*; at *Layton's*, Thirty Pounds *per Annum*. A. D. 1732.

IN the County of *Richmond*, at *Naylor's-Hole*, Fifty Pounds *per Annum*; at *Totaskey*, Thirty Pounds *per Annum*; at *Glascock's*, the same.

IN the County of *Westmoreland*, at *Maddox's Creek*, Forty Pounds *per Annum*; at *Nominy*, the same; at *Teocomico*, Forty Five Pounds *per Annum*.

IN the County of *King George*, at *Bray's-Church*, Forty Pounds *per Annum*; at *Falmouth*, Fifty Pounds *per Annum*.

IN the County of *Spotsylvania* at *Fredericksburg*, Fifty Pounds *per Annum*.

IN the County of *Lancaster*, at *Deep-Creek*, Thirty Pounds *per Annum*; at *Corotoman*, and *Davis's*, Fifty Pounds *per Annum*.

IN the County of *Northumberland*, at *Indian Creek*, Thirty Pounds *per Annum*; at *Wiccocomico*, Forty Pounds *per Annum*; at *Coan*, Thirty Pounds *per Annum*.

IN the County of *Stafford*, at *Boyd's-Hole*, Forty Pounds *per Annum*; at *Marlborough*, Forty Pounds *per Annum*.

IN the County of *Prince William*, at *Quantico*, Forty Pounds *per Annum*; at *Great Hunting-Creek*, Thirty Pounds *per Annum*; at *Pobic*, Thirty Five Pounds *per Annum*.

IN the County of *Caroline*, at *Roy's*, and at *Gibson's*, in the County of *King George*, Fifty Pounds *per Annum*; and in the County of *Caroline*, at *Conway's*, Forty Pounds *per Annum*.

IN the County of *Northampton*, at *Cherrystone's*, Twenty Five Pounds *per Annum*; at *Nassarwaddox*, the same; at *Hungar's*, the same.

IN the County of *Accomack*, at *Pungoteague*, Thirty Pounds *per Annum*; at *Pocomoke*, the same; at *Guilford*, the same.

XI. AND whereas, by Reason, that the Scales and Weights for the Use of the several Inspections did not arrive in Time, the said Act of Assembly could not be put in Execution in most Parts of the Country, 'til a very considerable Time after the Day by the said Act appointed, for the Inspectors to begin their Attendance at the Warehouses; by Means whereof, the Time limited by that Act, for the People to bring their Tobacco to the said Houses, will not be sufficient for that Purpose, this present Year: *Be it therefore Enacted*, That the Inspectors, and every of them, shall and do, from and after the last Day of *June*, One Thousand Seven Hundred Thirty and Two, continue to attend the several Warehouses under their Charge, 'til the Sixteenth Day of *August* thence next ensuing; and if any Tobacco shall then remain in any of the said Warehouses to be inspected, they shall afterwards continue 'til the same shall be inspected.

Inspectors
shall attend,
in the Year
1732, 'til the
16th of *Aug.*
gust.

XII. AND whereas the Commissioners, in divers Parts of this Colony, for putting in Execution that Part of the said Act, which directs the Erecting of Public Warehouses and Wharfs, for the Uses and Purposes therein mentioned,
P p p 2 have,

Ac. D. 1732.
 Commissio-
 ners required
 to provide all
 necessary
 Convenien-
 ces at the
 Warehouses.

have, by a Misconstruction of the said Act, failed to direct the Erecting and Fixing of necessary Prises in the said Warehouses, and also Cranes to the Wharfs, belonging thereto; and sundry other Conveniences necessary for putting the said Act in Execution: *Be it Enacted and Declared*, That the said Commissioners have Power, and are hereby required, to cause such Prises, Cranes, and Conveniences to be erected and fixed, and to cause the said Warehouses to be double covered, or otherwise made tight, where it is not already done; and where the same has been provided and done at the Charge of the Inspectors, the Expence thereof, in both Cases, shall be deducted out of the Rents, if the Commissioners think it reasonable; and where they think the Rents not sufficient to bear it, they shall increase the same, so as to make a reasonable Allowance.

The Duty of
 Inspectors
 declared, in
 several Parti-
 culars.

XIII. AND for explaining the Duty of Inspectors in several Particulars: *Be it further Enacted*, That when any prised Tobacco shall be brought to any Public Warehouse, in order to be shipped on Freight, and the Inspectors there attending shall refuse to pass such Tobacco, unless such as shall be bad and unmerchantable be picked and separated from the rest; in such Case, the said Inspectors shall permit the Owner or other Person bringing such Tobacco, to make Use of one or more of their Prises for the Re-packing and Prising such Tobacco; and if there shall be several Hogheads of Tobacco, belonging to several Owners, to be packed, re-packed, and prised, at any Public Warehouse, the Owner or other Person bringing the same, whose Tobacco shall be first viewed and refused, shall be first permitted and allowed to make Use of such Prise or Prises; and the same Rule shall be observed in the Prising all Tobacco which shall be picked, re-packed, and prised as aforesaid: And for all Tobacco re-packed and prised by the Owner thereof, or the Servant or Slaves to him belonging, there shall be paid to the Inspectors thereof, only Three Shillings for Stamping; and for all Tobacco re-packed and prised by the Inspectors, Five Shillings for each Hoghead. And no Inspector shall hereafter take, or convert to his own Use, or otherwise dispose, any Draughts or Samples of Freight or Crop Tobacco; but the same (if fit to pass) shall be put into the Hoghead out of which the same was drawn, under the Penalty of forfeiting Twenty Shillings for every Draught so taken away, contrary to the Directions of this Act: To be recovered before any Justice of the Peace, of the County wherein such Offence shall be committed. And if any Person to whom a Receipt for Crop Tobacco shall be assigned, shall be desirous to alter the Mark, it shall be lawful for such Person so to do; and the said Inspectors shall permit and suffer the same to be done; and the said Inspectors shall keep a waste Book, in which shall be entred the Marks and Numbers of all Tobacco Hogheads received by them; and likewise another Book, in which shall be entred the Marks and Numbers of such Tobacco Hogheads, when the same shall be delivered out by them: And if any Inspectors Notes or Receipts be casually lost, mislaid, or destroyed, the Person or Persons so entitled to receive the Tobacco, by Virtue of any such Note or Receipt, shall make Oath before a Justice of the Peace, of the County where the same is payable, to the Number or Date of every such Note and Receipt, to whom and where payable, and for what Quantity of Tobacco the same was given, and that such Note or Receipt was lost, mislaid, or destroyed, and that he, she, or they, at the Time such Note or Receipt is lost, mislaid, or destroyed, was lawfully entitled, and how, to receive the Tobacco therein mentioned; and shall take a Certificate from such Justice thereof; and upon producing a Certificate of such Oath made, to the Inspectors, who were to pay or deliver the Tobacco in such Note or Receipt mentioned, and lodging the same with them, they shall be, and are hereby directed and obliged, to pay to the Person obtaining such Certificate, the Tobacco for which any such Notes or Receipts were given; (if

(if the same or any Part thereof, shall not have been before by them paid by Virtue of the said Notes or Receipts;) and shall be discharged from the Paiment of the Notes, or delivering Tobacco on the Receipts therein mentioned; and in that Case, if any Person shall be convicted of making a false Oath, or producing a forged Certificate, he shall forfeit and pay Twenty Shillings for every Hundred Pounds Weight of Tobacco contained in such Certificate: To be recovered, with Costs, in any Court of Record, in this His Majesty's Colony and Dominion, by Action of Debt, or Information; One Moiety whereof shall be to our Sovereign Lord the King, His Heirs and Successors, and the other Moiety to him or them who will inform, or sue for the same; and shall suffer such corporal Punishment, as the Court before whom the Cause shall be tried shall think proper to inflict; and moreover, shall be subject to all the Penalties of Perjury, in a Court of Record.

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Penalty upon making a false Oath, of the Loss of Inspectors Notes, &c.

XIV. A N D for removing all Controversies which may arise, touching the Allowance to be made by the Inspectors for Cask, *Be it Enacted and Declared*, That for all Tobacco brought in good sound Cask, and of the lawful Gauge, there shall be paid and allowed by the Inspectors there attending, after the Rate of Four Pounds of Tobacco for every Hundred Pounds the Tobacco therein contained shall weigh, after the same shall be viewed and passed, so as such Allowance do not exceed Thirty Pounds of Tobacco for each Hoghead.

Allowance for Cask.

XV. A N D whereas, in and by the afore-mentioned Act, it is directed, the Inspectors shall, with every Sloop or Boat Load of Tobacco, send a List of the Marks, Numbers, gross Weight, and Tare, of every Hoghead of Tobacco to them delivered, to be given to the Master of the Ship or Vessel, on Board of which the same shall be put; which said Lists are by the said Master to be delivered to the Naval Officer. And whereas it may happen, that the Ship in which such Tobacco was intended to be put, may be so full as not to be able to stow all the Tobacco contained in such List: *Be it Enacted*, That it shall and may be lawful, to ship the said Tobacco, or any Part thereof, on Board any other Ship or Ships, where the Owner thereof shall think fit; the Masters of such Ships endorsing on the said Lists, the Marks and Numbers of the respective Hogheads by them taken on Board, and giving Notice to the Inspectors of the Warehouse from whence the same was brought; or if there be no Ship to receive the said Tobacco, then it shall and may be lawful for the Master of that Ship or Vessel, to put the said Tobacco into the nearest Public Warehouse, to the Place where such Ship shall ride, giving immediate Notice thereof to the Inspectors who stamped the same; and the Inspectors at that Warehouse where such Tobacco shall be delivered, shall give a Receipt for the same, and shall cause the said Tobacco to be safely lodged and delivered to the Order of the Owner thereof, whenever he or she shall think fit to ship it off; and that without Fee or Reward.

If the Ship mentioned in Sloop Notes, cannot take the Tobacco on Board, it may be ship'd on Board any other Ship, or re-landed.

XVI. A N D whereas, divers of the Warehouses appointed in the *Northern-Neck*, have been either casually or maliciously burnt, with considerable Quantities of Tobacco therein, for which the Inspectors have given Receipts, or Promissory Notes; and it being intended that the Loss of such Tobacco shall be made good to the Persons claiming the same, at the Public Charge: *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That none of the Inspectors of the Warehouses so burnt or destroyed, shall be sued or molested, for or by Reason of any Promissory Notes by them given for any Tobacco, which hath been or shall be burnt in the said Warehouses, or in any other Public Warehouse; but shall be altogether acquitted and discharged, of and from the Paiment of such Tobacco, in the said Receipts or Notes contained;

Inspectors indemnified where any of the Warehouses have been burnt; and in Case they shall be hereafter burnt.

any

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any thing in the said first mentioned Act to the contrary hereof, in any wise, notwithstanding.

XVII. PROVIDED nevertheless, That the Inspectors who are allowed for burnt Tobacco, in the Book of Claims of this Session, shall pay the same to those who sustained the Loss, in Proportion thereto.

CH A P. X.

An Act to revive and continue certain Parts of an Act, for ascertaining the Fees of certain Officers; and for better settling the Fees of County Court Clerks, and Sherifs; and of Attorneys, in Causes depending in the County Courts, to be allowed in the Bill of Costs; and for settling the Fee for summoning Witnesses, in Controversies depending before the Governor and Council; and ascertaining the Allowances to such Witnesses.

I. BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That from and after the Passing of this Act, it shall and may be lawful, to and for the Secretary of this Colony, for the Time being, and all County Court Clerks, Sherifs, Coroners, and Constables respectively, to demand, receive, and take, the several Fees herein after-mentioned and allowed, for any Business by them respectively done, by Virtue of their several Offices, and no other Fees whatsoever: (That is to say,)

The Secretary.

Current Money.

s. d.

FOR Making out, Sealing, and Recording a Patent for Land, before the same shall be recorded,	08	0
For Making out, Sealing, and Recording a Patent, commonly called a double Patent, before the same shall be recorded,	12	0
For Recording every Warrant to an Escheator, and Inquisition thereupon; and for a Copy thereof,	11	6
For Parchment for every Patent,	2	6
For every Pass,	10	0
For every Instrument, called a Freedom for Ships; and every Testimonial,	10	0

Pounds of Tobacco.

For a Copy of any Patent, if not double,	30
For a Copy of a double Patent,	45
For the Probation of any Testament, and Recording the same; for Entering any Order for Appraising, Registering an Inventory; for Writing and Sealing a Probate; and for any other Matter concerning the same: Or for a Commission of Administration of the Goods of any Person dying intestate; for Entering an Order for Appraisement, Registering an Inventory; and for any other Matter concerning the same, where the Appraisement doth not amount clearly over and above the Value of Fifty Pounds,	250
Where the Appraisement amounts to more than that Value, or where there is no Appraisement,	350
For	

lb. of Tob^o. A. D. 1732.

For every Search in any Case, if above a Year,	10
For a Copy of a Will, or Inventory,	40
For a Copy of a Probat, or Commission of Administration,	40
For Recording Deeds of Lease and Release, and every other Deed or Conveyance; for the Conveying or Settling any Lands or Tenements, or any way concerning the same, acknowledged or proved in the General Court, and all other Matters relating thereunto,	150
For a Copy of every such Deed, and the Indorsements thereon; and for a Certificate of the Acknowledging, Proving and Recording,	90
For Recording a Letter of Attorney, acknowledged or proved in the General Court; and every Thing relating to the same,	70
For a Copy thereof,	40
For Recording a Bond, with Condition; or for a Copy thereof,	40
For Recording any Deed concerning Negroes, or any Personal Matter or Thing only,	70
For a Copy thereof,	40
For a Writ of Error, <i>Supersedeas</i> , or <i>Scire facias</i> ,	25
For every other Writ, in any Action or Suit whatsoever; and Filing the Return,	20
For Filing a Bail Bond, and Entering the Bail in the Bail-Book, to be kept for that Purpose,	20
For Entering special Bail,	20
For Entering the Appearance of the Defendant,	10
For Entering One Attorney for each Party,	10
For Entering Security for Costs, for Persons out of the Country,	20
For Filing Errors, a Declaration, and every Plea or Demurrer, in any Cause, to the making up of the Issue,	20
For Writing every Rule, and Entering the same in the Rule-Book,	20
For every Order or Judgment of Court, or for a Copy thereof,	10
For the Filing all Papers offered by the Plaintiff,	15
The same for Filing the Defendant's Papers,	
For Entering every Cause upon the Docket, when it is at Issue,	10
For Recording the Report of Auditors,	40
For Swearing the Jury, and the Witnesses produced by the Plaintiff,	40
For Swearing the Defendant's Witnesses,	10
For Recording a General Verdict,	10
For every Case agreed on, put to the Court,	25
For Drawing up, and Recording every special Verdict, or Case at large, from the Notes, according to the Length thereof, for every Line, containing Twenty Words, one with another,	1
And so for a Copy thereof.	
For every Continuance after Verdict, or Demurrer joined,	25
For a Copy of any Declaration, Plea, or Demurrer,	20
For a Copy of the Notes of a special Verdict,	25
For Making up the Record of every Cause, after the Rate before-mentioned for the Declarations, Pleadings, Verdict, and Judgment, therein entred, according to the Length,	
For a Copy thereof, the same.	
For a Copy of an Account,	20
For Filing Bill, Answer, Replication, or other Pleadings in Chancery, for each,	15
For a Copy thereof, according to the Length, for every Line, containing Twenty Words, one with another,	1
For every Order made in Court, in a Suit in Chancery,	10
For	

A. D. 1732.

lb. of Tob^o.

For Drawing up every Decree, and Recording the same, for every	{	1
Line, containing Twenty Words, one with another,	}	
For every <i>Dedimus Potestatem</i> ,		50
For Filing all the Depositions, in Behalf of the Plaintiff,		25
For Filing all the Depositions, in Behalf of the Defendant,		25
For a Copy of the Depositions, or Recording the same, after the same	{	
Rate as for a Copy of a Bill, or Answer.	}	
For a Recognisance in Court,		20
For Recording a Certificate of Rights,		15
For Administring an Oath, or Affirmation to a Quaker, in Court, ex-	{	10
cept to Witnesses before a Jury,	}	
For Enttring an Appeal to <i>England</i> , and taking Bond,		50
For Filing the Record, upon an Appeal, or Writ of Error, from a	{	15
County Court,	}	
For Filing Errors thereupon,		15
For a Copy of the Record, with the Errors, according to the Length	{	1
thereof, for every Line, writ as aforesaid,	}	
For Taxing the Costs, in any Action or Suit; and a Copy thereof,		20
For every Order to a Witness, for an Attendance,		10
For every Petition for lapsed Land, for Writing the same, and Issuing	{	50
a Summons thereon,	}	
For every Order thereon,		15
For Recording a Certificate of a Probate, or Administration,		40

II. *AND be it further Enacted*, That the several Fees before-mentioned, shall be charged to the Party at whose Instance the Business aforesaid shall be done or performed: And that the Fees herein after mentioned, and allowed to the Secretary, shall be charged to the several Counties respectively, for whose Service the Business shall be performed; and shall be, by the Justices, levied on the Inhabitants thereof, (That is to say,)

lb. of Tob^o.

FOR a Commission of the Peace, and <i>Dedimus</i> , to administer the	{	160
Oaths, and Recording the same,	}	
For a Commission of Oyer and Terminer, and <i>Dedimus</i> , to administer	{	100
the Oaths, to be repaid to the County, by the Public,	}	
For a Writ for Election of Burgeffes,		350
For Filing an Inquisition, upon the View of a dead Body, and Re-	{	50
cording the same,	}	
Which shall be repaid out of the Estate of such deceased Person, if the same be sufficient.		

The County Court Clerks.

lb. of Tob^o.

FOR every Writ in any Suit, other than such Writs as herein af-	{	10
ter are mentioned,	}	
For a Copy thereof,		5
For Enttring special Bail,		10
For every Recognisance in Court,		10
For every Petition, Declaration, or other Pleadings, if wrote by the Clerk,		10
And if such Petition, or Declaration, be not wrote by the Clerk,		5
For Filing every Declaration, Plea, or Demurrer, to the Making up	{	5
of the Issue, if not wrote by the Clerk,	}	
For Filing Papers produced by the Plaintiff, or Defendant, other than	{	10
the Pleadings in the Cause depending between them,	}	
		For

lb. of Tob^s. *A. D. 1732.*

For a Copy of a Plea, if the General Issue,	3
For the Copy of any Special Pleading, Declaration, or Demurrer,	10
For every Continuance, by Imparlance, <i>Nihil Dicit</i> , upon Motion of either Party, or by Consent; and for every special Order, interlocu- tory or final Judgment,	10
For the Copy of an Order, or Judgment, the same,	
For every Trial,	10
For Swearing Witnesses in every Trial,	10
For administering an Oath in Court, not relating to or before the Trial of any Cause there depending, and Certifying the same,	10
For Recording a general Verdict,	10
For Recording a special Verdict, or Case agreed,	25
For a Copy of a special Verdict, or Case agreed; and all Deeds and Writings therein set forth, according to the Length thereof, for every Thirty Words,	1
For a Deposition,	10
For Recording the Report of a Jury, Surveyor, or Auditors,	20
For an Appeal, and Bond,	26
For a Copy of the Bond,	10
For Returning an Appeal, and Security to the Secretary's Office,	30
For a Copy of the Proceedings, according to the Length, for every Line as aforesaid,	1
For Entering one Attorney, for each Party,	5
For Every Writ of Execution, or <i>scire facias</i> ,	15
For a Copy thereof,	8
For Recording the Return,	8
For an Attachment in any Action,	15
Recording the Return,	15
For an Attachment granted by a Justice of the Peace, and Recording the Return,	20
For Filing Bill, Answer, Replication, and other Pleadings in Chancery, for each,	10
For a Copy thereof, according to the Length, for every Thirty Words,	1
For every Order in a Suit in Chancery, and for every Decree,	10
For a Copy thereof, the same,	
For Recording a Deed for Land, from the Proprietors of the <i>Northern-Neck</i> ,	40
For Recording Deeds of Lease, and Release; for the Conveying any Lands, or Tenements acknowledged or proved in Court, Bond to perform Covenants, Certifying the Proof, or Acknowledgment, and all Matters relating thereto,	150
For a Copy of such Deeds, and the Indorsement thereon; and of the Certificate of the Acknowledging, Proving, and Recording,	50
For Recording every Deed of Feofment, or Bargain and Sale, for the Conveying any Lands or Tenements, Bond to perform Covenants, Certifying the Proof, or Acknowledgment, and all Matters relating thereto,	100
For a Copy of every such Deed, and the Indorsements thereon; and of the Certificate of the Acknowledging, Proving, and Recording,	35
For Recording every other Deed, concerning Lands, or Tenements, or the Bounds thereof, Certifying the Proof, or Acknowledgment; and all other Matters relating thereunto, for every Twenty Words,	1
For a Copy of every such Deed, and the Indorsements thereon; and of the Certificate of the Acknowledging, Proving, or Recording, for every Thirty Words,	1

A. D. 1732.

lb. of Tob^o.

For Recording a Letter of Attorney,	30
For a Certificate,	10
For a Copy of a Letter of Attorney, with a Certificate of the Proof or Acknowledgment,	25
For Recording a Bond with Condition, other than herein before is mentioned; and for a Copy thereof,	20
For Recording any Deed concerning Negros, or any personal Matter or Thing only,	40
For a Copy thereof,	30
For the Probation of any Testament, and Recording the same, for Entering every Order, for Appraising, Registering an Inventory; and for any other Matter concerning the same: Or for a Commission of Administration of the Goods of any Person dying Intestate, for Entering any Order for Appraisement, Registering an Inventory, or for any other Matter concerning the same; where the Appraisement doth not amount clearly, to over and above the Value of Ten Pounds, Where the Appraisement amounts to more, and under One Hundred Pounds,	50
And where it shall exceed One Hundred Pounds,	150
For every Search in any Case, if above a Year,	250
For a Copy of a Will, or Inventory,	5
And if the Original Will, or Inventory, is not contained in one Sheet of Paper, for every Thirty Words more,	30
For a Marriage Licence, Certificate, and Bond,	1
For proving Rights, and Certificate thereof,	50
For Taxing a Bill of Costs, and Copy thereof,	13
For a Copy of any single Act,	11
For Recording the Age of any Servant, or Slave, adjudged in Court,	40
For a Certificate thereof,	10
For Recording the Acknowledgment of Satisfaction of a Judgment,	8
For a <i>Dedimus Potestatem</i> ,	10
For Attending and Taking Depositions on a <i>Dedimus</i> , if required,	25
For a Certificate of the Departure of any Person out of this Colony,	100
For Attending a Court for Examination of Criminals, and Trial of Slaves, to be paid by the County, and repaid by the Public,	15
For a Copy of a List of Tithables, by a Justice, in his Precinct,	200
For an Ordinary Licence, and Bond,	20
For a Copy of the Rates of Liquors,	50
For Reading any Order, or Record, Half the Fee as for a Copy thereof.	15
For a Copy of the Return of any Writ,	3
For the Copy of any Thing not herein particularly mentioned, the same Fee as is herein before expressed, according to the Length thereof.	
For all Public Services of the Clerk, viz. Entering, and Issuing Copies of Orders; for appointing Surveyors of the Highways, Constables, Grand-Juries, taking the List of Tithables, attending Orphans Courts, Entering Guardians Accounts, and all Matters relating thereto; binding out poor Orphans, and appointing them Guardians, Entering the Levy, and Copy thereof, and Lists of Tithables for the Collectors; and for Entering and Issuing the Orders for recommending Sheriffs, and Justices, and for Proceffioning: To be levied Annually, by the Justices, on the County, besides Cask,	1000

III. AND to the End, all Persons chargeable with the Paiment of any of the Fees aforesaid, may certainly know for what the same are charged: *Be it further Enacted*, That no Fee or Fees herein before mentioned, shall be deemed

deemed to be due or payable, by or from any Person or Persons whatsoever, until there shall be delivered to the Person or Persons chargeable with the Payment of the same, a Bill or Account, in Writing, of the particular Fees, for which any Person is or shall be charged; in which said Bill or Account, is and shall be expressed distinctly, and in Words at Length, and in the same Manner, as the Fees aforesaid are allowed, and made payable by this Act, every particular Fee, for which any Money or Tobacco is or shall be demanded or demandable.

To the Sheriff.

	lb. of Tob ^o .
FOR an Arrest, Bond, and Return,	30
For Returning a <i>Capias</i> , <i>non est inventus</i> ,	10
For Serving any Person with an Order of Court, and Making Return,	15
For Pillorying any Person,	20
For Putting into the Stocks,	10
For Ducking any Person,	20
For Putting into Prison, and Releasement,	20
For Serving a <i>Subpœna</i> , to answer in Chancery, and Copy,	15
For Serving a <i>Subpœna</i> , for an Evidence, in any Cause depending, except summoned in Court,	10
For Summoning an Appraiser, Auditor, Viewer, or Evidence, to any Deed, Will, or Writing, if required to be summoned, but not else,	10
For Summoning, and Impannelling a Jury, in every Cause where a Jury shall be sworn,	50
For Going to <i>Williamsburg</i> , for a Commission of <i>Oyer</i> and <i>Terminer</i> , for each Mile, to be paid by the County, and repaid by the Public,	2
And for each Mile Returning, to be paid and repaid, as aforesaid,	2
For Coming to, and Attending the General Court, with the <i>Venire</i> , and Return thereof, the same as is allowed to a <i>Venire</i> Man; to be paid and repaid, as aforesaid,	
For Summoning a Court of <i>Oyer</i> and <i>Terminer</i> , or for the Examination of any Criminal, and for Attending; to be paid and repaid, as aforesaid,	200
For Executing each condemned Person; and all Fees incident; to be paid, as aforesaid,	250
For Summoning a Jury of Escheat, Survey, Writ of Dower, Partition, Inquiry of Damages in the Country, and not in Court, if the Jury appear,	150
For making a Return of a Writ of Dower, or Partition,	50
For every Day's Attendance upon a Jury in the Country, after they are sworn to try the Issue joined,	50
For Selling a Servant, by Order of Court, at Out-cry, and all Fees incident thereto,	20
For making Proclamation, as the Law directs, in Proving of Wills at common Law, or in Proceeding to Outlawry,	20
For Serving Execution for any Debt due in Tobacco, Five <i>per Cent.</i> for the First Thousand; and Two <i>per Cent.</i> for all above One Thousand Pounds,	
Due in Money, Five <i>per Cent.</i> for the First Hundred Pounds; and Two <i>per Cent.</i> for all above One Hundred Pounds.	
For Serving a Writ of <i>Habere Facias Seisnam</i> , or <i>Habere Facias Possessionem</i> ,	50
For Serving an Attachment upon the Body, taking Bond, and Return,	30
For Serving an Attachment upon the Goods, if sold, the same Fees as an Execution.	

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If not fold,	lb. of Tob ^o .
For Serving and Returning a General Court Writ, Summons, or Order,	30
For Keeping and Providing for a Debtor, in Goal, each Day,	10
For Keeping and Providing for a Runaway, or Criminal, for each Day,	5
For Serving a Warrant,	10
For Summoning a Witness,	5
For Public Services: (To wit,) For Attending the Orphans Court,	1000
Courts of Claims and Grievances, Impannelling Grand Juries, Publications of Writs for Burgesses, and Attendance; Serving all Public	
Orders of Court, and all other Public and County Services: To be	
levied Annually, by the Justices of the County, besides Cask,	

The Coroner.

	lb. of Tob ^o .
For taking an Inquisition on a dead Body, to be paid out of such	133
deceased Person's Estate, if he left sufficient, if not by the County,	
For all other Business done by him, the same Fees as are given to the	
Sheriff, for the same Service.	

The Constables.

	lb. of Tob ^o .
For Serving a Warrant,	10
For Summoning a Witness,	5
For Summoning a Coroner's Jury, and Witnesses necessary,	50
For putting in the Stocks,	10
For Whipping,	20
For Serving an Execution, or Attachment, returnable before a Justice,	10

IV. *AND be it further Enacted, by the Authority aforesaid,* That the Clerk of the Secretary's Office, shall cause to be set up in some Public Place of the said Office, and there constantly kept, a fair Copy of the Secretary's Fees herein before mentioned, on Pain of forfeiting Two Thousand Pounds of Tobacco for every Day the said Copy shall be missing through his Neglect. And that the Clerk of every County Court, shall, in like Manner, set up a fair Copy of all other Fees herein before mentioned, in the Court-House of his County, to be there constantly kept, on Pain of forfeiting One Thousand Pounds of Tobacco, for every Day the same shall be missing through his Neglect: Both which Penalties shall be to the Person or Persons who shall inform, or sue for the same; and shall and may be recovered in any Court of Record, within this Dominion.

V. *AND be it further Enacted,* That if any Officer whatsoever, shall claim, charge, demand, exact, or take any more Fees, or greater Fees, for any Business, or Writing, or other Business whatsoever, within the Purview of this Act, than is here set down and ascertained; such Officer or Person, for every such Offence, shall forfeit and pay to the Party injured, Two Thousand Pounds of Tobacco: To be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Complaint, or Information: *Provided,* the same be sued for within Twelve Months after the Offence committed.

VI. *PROVIDED always,* That nothing herein contained, shall be construed, deemed, and taken, to inflict any of the Penalties before mentioned, on any of the said Officers, for demanding and taking the Fees respectively directed to be taken by them, by one Act of Assembly, made in the First Year of His Majesty's Reign, intituled, *An Act for ascertaining the Fees of certain*

certain Officers therein mentioned, at any Time before the Publication of this Act; for which, Two Months, after the Passing hereof, is hereby allowed. A. D. 1732.

VII. AND for the better Collecting the said Tobacco Fees, *Be it further Enacted*, That the Clerk of the Secretary's Office, and of every County Court, respectively, shall every Year, before the Twenty Fifth Day of November, deliver, or cause to be delivered, to the Sheriff of every County in this Colony, respectively, the Accounts of all Fees due from any Person or Persons residing therein; which shall be signed by the said Clerk, respectively. And the said Sheriff is hereby impowered and required, to receive such Accounts, and to collect, levy, and receive, the several Quantities of Tobacco therein charged, of the several Persons chargeable with the same. And if such Person or Persons, after the said Fees shall be demanded, shall refuse or delay to pay the same, till after the Tenth Day of April, in any Year, the Sheriff of that County wherein such Person inhabits, or of the County in which such Fees became due, shall have full Power, and is hereby required, to make Distress upon the Negros, Goods, or Chattels, of the Party so refusing or delaying to pay, either in that County wherein such Person inhabits, or where the said Fees became due: But no Action shall be maintainable for Secretary's, or County Court Clerks Fees, unless the Sheriff of the County shall return, That the Person or Persons from whom such Fees shall be due and payable, hath not sufficient within his Bailiwick, whereon to make Distress. And if any Sheriff shall be sued for any Thing by him done, in Pursuance of this Act, he may plead the general Issue, and give this Act in Evidence.

Method of
Collecting
these Fees.

VIII. *AND be it further Enacted*, That the Sheriff of every County, shall, upon or before the last Day of May in every Year, account with the Secretary or his Agent, and the Clerks of the respective County Courts, for all Fees put into his Hands, pursuant to this Act, and pay the same, abating Four *per Cent.* for Collecting: And the Secretary is hereby required to appoint an Agent in every County, to receive the Sheriff's Account, and all Tobacco due to him. And if any Sheriff shall refuse to account, or pay the whole Account of Fees put into his Hands, after the Deductions aforesaid are made, together with an Allowance of such Persons as do not dwell, or have no visible Estate in his County, it shall and may be lawful for the Secretary or Clerk, upon a Motion made, in the next succeeding General Court, or in the Court of the County of such Sheriff, to demand Judgment against such Sheriff, for all Fees wherewith he shall be chargeable, by Virtue of this Act; and such Court respectively is hereby authorized and required, to enter up Judgment accordingly, and to award Execution thereupon: *Provided*, That the Sheriff have Ten Days Notice of such Motion.

Summary
Way of Pro-
ceeding a-
gainst Sheriffs
who refuse or
delay to ac-
count.

IX. *AND be it further Enacted*, That the respective County Courts, in every Cause where the Plaintiff shall recover, or be nonsuited, or where his Suit shall be dismissed, shall allow in the Bill of Costs, Fifteen Shillings, or One Hundred and Fifty Pounds of Tobacco, for an Attorney's Fee, (if the Party employed One,) except against Executors, or Administrators, and where the Plaintiff may not recover more Cost than Damage.

15 s. or 150
lb. Tob^o. to
be allowed
for Lawyer's
Fee.

X. AND whereas divers Disputes and Controversies do frequently arise, concerning the Priority of Entries for Lands, and their Right to obtain Patents for the same, which are properly determinable before the Governor and Council; and for the Clearing of the Truth therein, Witnesses are often necessary, and such Witnesses have refused to attend, in Regard no Allowance hath hitherto been established for their Travelling, and Attendance: *Be*

In Contro-
versies about
Entries for
Land,

it

A.D. 1732.

Clerk of the Council may issue Summons for Witnesses, to attend at the Council.

Their Allowance,

To be awarded to the Party injured.

But may be discharged in Tob^o. or Money, at the Election of the Party.

Provido, no new Power given to the Council Board.

Continuance of the Act.

it therefore Enacted, by the Authority aforesaid, and it is hereby Enacted, That when any Controversy shall be depending before the Governor and Council, it shall and may be lawful for the Clerk of the Council, and he is hereby impowered and required, at the Instance of either of the Parties, to issue a Summons, directed to the Sheriff of any County wherein the Witnesses desired to be summoned, shall reside; which Summons, the said Sheriff shall duly execute and return; and shall be paid and allowed, by the Party on whose Behalf the same was executed, Thirty Pounds of Tobacco, or Three Shillings Current Money, at the Election of the Party chargeable therewith; and every such Witness so summoned and attending, shall be paid for Travelling, and for each Day he shall attend at *Williamsburg*, the like Allowance as is given by Law, for Witnesses summoned to and attending at the General Court: And where the Governor and Council shall judge either of the Parties, in any Matter coming before them, to have given unjust Vexation, it shall and may be lawful to award the Allowance to the said Witnesses, and all other Costs, to be repaid by such Party, to the Party injured.

XI. *PROVIDED always*, That it shall be in the Election of the Person or Persons chargeable with the Paiment of the said Allowances for Witnesses, in any of the Matters depending before the Governor and Council, to discharge the same, either in Tobacco or Current Money, at the Rate of Ten Shillings for every Hundred Pounds thereof.

XII. *PROVIDED also*, That nothing herein contained, shall be construed, deemed, or taken, to give any Power or Authority to the Council Board, to hold Plea of any Matter or Thing properly cognisable in His Majesty's Courts of Common Law.

XIII. AND this Act shall be adjudged and taken to be a Public Act, and shall remain and be in Force, from the Commencement of the same, for Two Years, and from thence to the End of the next Session of Assembly.

C H A P. XI.

An Act for lessening the Reward for Killing young Wolves; and for preventing Frauds in obtaining Certificates for Wolves-Heads.

Preamble.

I. **W**HEREAS the large Reward allowed by Law for Killing of Wolves, hath frequently been a Temptation to many ill-disposed Persons to be guilty of unfair Practices, in order to obtain Certificates to entitle them to the said Reward; and the Reward being the same for Killing a young Wolf as an old One, divers Persons have been induced to spare the breeding Wolves, for the Advantage of taking their future Increase: For Remedy whereof,

100lb. Tob^o. allowed for a young Wolf.

No Certificate to be granted upon producing a Scalp. Nor without Oath.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and by the Authority of the same*, That from and after the Passing of this Act, the Reward of One Hundred Pounds of Tobacco, and no more, shall be paid for every Wolf killed or destroyed within this Colony, not exceeding the Age of Six Months; to be adjudged of by the Justice before whom the Head shall be brought: And that no Justice shall grant a Certificate to any Person whatsoever, for any Scalp, to entitle him or her to the Reward allowed by Law for Killing of Wolves, but that the whole Head of the Wolf shall be first produced to such Justice; neither shall any

any such Certificate be granted, until Proof shall be made before such Justice, by the Oath of such Wolf-killer, if a Christian, above the Age of Fourteen Years, (Quakers excepted) in the following Words: A. D. 1733.

I A. B. do solemnly swear, that this Head by me now produced, is the Head of a Wolf, (or if more than one Head, that these Heads by me now produc'd, are the Heads of Wolves,) first taken and killed within the County of C. in Virginia; and that I have not wittingly or willingly spared the Life of any Bitch-Wolf in my Power to kill, since the making of the Act of Assembly, intituled, An Act for lessening the Reward for killing young Wolves; and for preventing Frauds in obtaining Certificates for Wolves Heads. The Oath.

And if such Wolf-killer shall happen to be One of the People commonly called Quakers, and above the Age of Fourteen Years, he shall take his solemn Affirmation to the same Effect; but if such Wolf-killer be a Christian, under the Age aforesaid, or a Tributary Indian, or a Mulatto, or Negro, then such Justice shall, instead of such Oath or Affirmation, admit of any other Evidence, Testimony, or Circumstance, in his Discretion convincing. Quakers may affirm.
In what Cases other Proof may be admitted.

III. AND be it further Enacted, by the Authority aforesaid, That if any Person whatsoever, shall take a false Oath, or Affirmation, before any Justice, in order to the Obtaining a Certificate as aforesaid, such Person being thereof lawfully convicted, shall suffer the same Pains and Penalties, as if he or she had been guilty of wilful and corrupt Perjury, in a Court of Record: And moreover, shall forfeit and pay One Thousand Pounds of Tobacco; One Moiety thereof, to our Sovereign Lord the King, His Heirs and Successors, for the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him, her, or them, that will inform, or sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion. Penalty upon false Oath or Affirmation.

IV. PROVIDED always, That if any Justice, before whom Oath or Affirmation shall be made, according to the Directions of this Act, shall suspect the Truth of such Oath or Affirmation, such Justice shall delay granting a Certificate thereupon, until the next Court to be held for his County, where he shall communicate his Reasons for such Suspicion, in the Presence of the suspected Person, who may make his Defence; and the Court shall determine whether the same be good or not, and the said Justice shall proceed accordingly; any Law, or Usage to the contrary of any of the Premises, in any wise, notwithstanding. Where there is any Suspicion of the Credit of the Party, the Justice may delay giving a Certificate.

C H A P. XII.

An Act for adding Part of the Counties of Surry, and Isle of Wight, unto the County of Brunswick; and Part of the Parishes of Lawn's-Creek, Southwark, and Warwickshire, in the said Counties of Surry, and Isle of Wight, unto the Parish of St. Andrew, in the said County of Brunswick.

I. WHEREAS by Reason of the small Number of Tithables in the County of Brunswick, the Poll Taxes must necessarily be very grievous and burthensome to them; which, by an Addition of Part of the Counties Preamble.

A. D. 1732.

Counties of *Surry*, and *Isle of Wight*, would be remedied, and divers of the Inhabitants of the Two last mentioned Counties, would thereby also be freed from Hardships and Inconveniences, which at present they labour under, with respect to the Remoteness of their Situation from the Court-houses of their said Counties, and their Parish Churches, respectively; and after such Addition, there will remain a sufficient Number of Tithables in the said Counties of *Surry*, and *Isle of Wight*, respectively, to bear the Public Taxes:

New Bounds
of the County
of *Brunswick*.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and by the Authority thereof*, That from and after the First Day of *January*, next after the End of this Session of Assembly, those Parts of the said Counties of *Surry*, and *Isle of Wight*, which lie between, and are included within the Bounds hereafter mentioned, and the Lower Bounds of the said County of *Brunswick*, as it now stands, (that is to say,) A straight Line to be run from the Mouth of a Branch of *Nottoway-River*, called *Chetacrie*, between Colonel *Harrison's* Quarter, and *Matthew Parham's*, in the said County of *Surry*, to *Maherin River*, to the Line dividing the said Counties of *Surry*, and *Isle of Wight*, and from thence down that River, to the Line dividing this Country, and *North-Carolina*, be annexed and united to the said County of *Brunswick*, and for ever thereafter shall be taken and reputed as Parcel thereof; and be divided and exempt from the said Counties of *Surry*, and *Isle of Wight*, respectively, and from all Dependances, Offices, and Charges, for or in Respect thereof, and also discharged from all Duties whatsoever, relating to the same.

And of St.
Andrew's
Parish.

III. *AND be it further Enacted, by the Authority aforesaid*, That those Parts of the said Counties of *Surry*, and *Isle of Wight*, so as aforesaid annexed and united to the said County of *Brunswick*, be also from and after the said First Day of *January*, annexed and united to the Parish of *Saint Andrew*, in the said County of *Brunswick*, and be divided and exempt from the Parishes of *Lawn's-Creek*, and *Southwark*, in the said County of *Surry*, and the Parish of *Warwicksqueak*, in the said County of *Isle of Wight*, respectively, to which the same do at present belong; and all Dependances, Offices, Charges, and Contributions, for and in Respect thereof, and all Parochial Duties whatsoever, relating to the same; any Law or Usage to the contrary of any of the Premises, in any wise, notwithstanding.

C H A P. XIII.

An Act to prevent frivolous and vexatious Suits: And to regulate Attorneys practising in the County Courts.

Preamble.

I. **F**OR Relief of His Majesty's good Subjects, against causeless and unjust Suits; and for the better enabling them to recover their just Rights:

One Defen-
dant acquit-
ted, shall
have his
Costs.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and by the Authority of the same*, That where several Persons shall be made Defendants in any Action of Trespass, Assault, false Imprisonment, or *Ejectione Firmæ*, and any one or more of them, shall be upon the Trial thereof, acquitted by Verdict, every Person or Persons so acquitted, shall have and recover his Costs of Suit, in like Manner, as if a Verdict had been given against the Plaintiff or Plaintiffs, and acquitted all the Defendants, unless the Court before whom such Cause shall be tried, shall

shall be satisfied, that there was a reasonable Cause for the making such Person or Persons Defendant or Defendants to such Action, and shall order it otherwise; and that in all Actions of Trespass, Assault, and Battery, wherein the Court, before whom the Trial shall be, shall not be satisfied, and enter upon the Record, that the Battery was sufficiently proved, or that the Freehold, Title, or Interest of Land, mentioned in the Plaintiff's Declaration, was or might have been in Question, or that the Trespass was wilful or malicious; and in all other Personal Actions, if the Jury find under Forty Shillings, the Plaintiff shall not recover more Costs than Damages; and if more Costs are awarded, the Judgment shall be void, and shall be amended, upon a Motion at any Time by the Court, who shall award the same; and the Party injured shall be redressed as to such Costs so wrongfully awarded, in Case the same shall be levied upon him: And if in any Action commenced in a County Court, for the Recovery of any Debt whatsoever, upon a Promise, or by simple Contract, upon the Trial thereof it shall appear, that there is not Twenty Shillings due to the Plaintiff, he shall be nonsuited, and pay the Defendant his Costs; unless the Plaintiff shall make it appear to the Court, and the Court shall enter it upon Record, that the Defendant did refuse or unjustly delay to settle his Accounts with the Plaintiff; any other Act to the contrary, notwithstanding: And in such Case, the Plaintiff shall recover the Money found due to him, with his Costs: And in all Cases, where the Judgment shall be given for the Defendant, he shall have Judgment to recover his Costs against the Plaintiff, and have Execution for the same.

III. *PROVIDED* always, That nothing herein contained, shall be construed to alter the Laws in Being, as to Executors or Administrators, in such Cases where they are not at present liable to the Payment of Costs of Suit.

IV. *AND* be it further Enacted, That in all Actions where the Plaintiff shall happen to die after an interlocutory Judgment, and before a final Judgment obtained therein, the said Action shall not abate, if such Action might be originally prosecuted or maintained by the Executors or Administrators of such Plaintiffs; and if the Defendant die after such interlocutory Judgment, and before a final Judgment therein obtained, the said Action shall not abate, if such Action might be originally prosecuted or maintained, against the Executors or Administrators of such Defendant; and the Plaintiff, or if he be dead after such interlocutory Judgment, his Executors or Administrators, shall and may have a *Scire facias* against the Defendant, if living, after such interlocutory Judgment, or if he died after, then against his Executors or Administrators, to shew Cause why Damages in such Action should not be assessed, and recovered by him or them; and if such Defendant, his Executors or Administrators, shall appear at the Return of such Writ, and not shew or alledge any Matters sufficient to arrest the final Judgment, or being returned, warned, or upon Two Writs of *Scire facias*, it be returned, that the Defendant, his Executors or Administrators, had nothing whereby to be summoned, or could not be found in the County, shall make Default, That thereupon, a Writ of Enquiry of Damages shall be awarded; which being executed, Judgment final shall be given for the said Plaintiff, his Executors or Administrators, prosecuting such Writ or Writs of *Scire facias* against such Defendant, his Executors or Administrators: And if there be Two, or more Plaintiffs or Defendants, and One or more of them should die, if the Cause of such Action shall survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Writ or Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs, against the surviving Defendant or Defendants: And in all Actions real, personal, and mixed, if either Party shall die between Verdict and Judgment, such Death shall not be pleaded in Abatement, but Judgment shall be entered,

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No more
Costs than
Damages, if
they do not
amount to
40 s.

In County
Courts, the
Plaintiff shall
be nonsuited,
if 20 s. be not
found due to
him.

Defendant
shall have
Judgment &
Execution for
his Costs.

Proviso for
Executors &
Administra-
tors.

Death of
Plaintiff or
Defendant,
after interlo-
cutory Judg-
ment, shall
not abate any
Action, if it
might be ori-
ginally main-
tained, by or
against Exe-
cutors or Ad-
ministrators;
but a *Scire fa-
cias* shall issue
upon such
Judgment.

Death of one
of the Plain-
tiffs or Defen-
dants, if the
Cause survive,
shall not abate
the Action.

Death of
Plaintiff or
Defendant af-
ter Verdict,
shall not be
pleaded in
Abatement.

A. D. 1732.
Return of
Executions in
County
Courts en-
larged.

as if both Parties were living: And if the Plaintiff in any County Court, shall desire an Execution to issue, returnable at a further Day than is at present allowed, the Clerk of such Court shall issue the same accordingly, so as the Day of such Return be upon a Court Day, within Ninety Days next after the Tette thereof.

Method of
Proceeding
upon Bonds,
for Perform-
ance of Co-
venants.

V. *AND be it further Enacted*, That in all Actions upon any Bond, or on any penal Sum for Non-performance of any Covenants or Agreements, in any Indenture, Deed, or Writing contained, the Plaintiff or Plaintiffs may assign as many Breaches as he or they shall think fit; and the Jury, upon Trial of such Action or Actions, shall and may assess such Damages for such of the said Breaches so to be assigned, as the Plaintiff upon the Trial of the Issues shall prove to have been broken; and that the like Judgment shall be entered on such Verdict, as heretofore has been usually done in such Actions: And if Judgment shall be given for the Plaintiff, on a Demurrer, or by Confession, or *Nihil dicit*, the Plaintiff upon Record, may suggest as many Breaches of the Covenants and Agreements as he shall think fit; upon which a Jury shall be summoned, to enquire of the Truth of every one of those Breaches, and to assess the Damages that the Plaintiff shall have sustained thereby, and Execution shall issue for so much, and such Judgment shall remain as a Security to the Plaintiff, his Executors and Administrators, for any other Breaches which may afterwards happen; and he or they may have a *Scire facias* against the Defendant, and assign any other Breach; and thereupon Damage shall be assessed, and Execution issue as aforesaid, *toties quoties*: And in all Actions which shall be brought upon any Bond or Bonds, for the Paiment of any Sum of Money, wherein the Plaintiff shall recover, Judgment shall be entred for the Penalty of such Bond, to be discharged by the Paiment of the Principal and Interest due thereupon, and the Costs of Suit; and Execution shall issue upon such Judgment accordingly; or if before Judgment, the Defendant shall bring into Court the Principal and Interest due upon such Bond, he shall be discharged, and Judgment in that Case shall be entred only for the Costs: And the Defendant in any Action of Debt, on single Bill, or in Debt, or *Scire facias* upon a Judgment, and in Debt upon Bond, if before Action brought he hath paid the Principal and Interest due by the Defeasance or Condition, may plead Paiment in Barr.

How Judg-
ment shall
be entred up-
on Bonds.

Paiment
may be plead-
ed before
Suit brought.

The summary
Method pre-
scribed by a
former Act,
for Recover-
ing of small
Debts, shall
be pursued.

VI. *AND* whereas, the Provision made by one Act of the General Assembly, made in the First Year of the Reign of His present Majesty, *For the more speedy and easy Recovery of small Debts*, has been very much neglected in the County Courts, and the more tedious and expensive Method of an Action hath been pursued: *Be it further Enacted*, Where the Debt demanded, shall not exceed the Sum of Five Pounds Current Money, or One Thousand Pounds of Tobacco, the Plaintiff shall proceed by Petition, in the summary Method by that Act directed, and not otherwise; and if any Plaintiff shall demand a greater Sum, on Purpose to evade this Act, such Plaintiff shall be nonsuited and pay Costs.

VII. *AND* whereas the Number of unskilful Attorneys, practising at the County Courts, is become a great Grievance to the Country, in respect to their Neglect and Mismanagement of their Clients Causes, and other foul Practices: For the preventing the same for the future,

Regulation
of Attorneys.

VIII. *BE it Enacted*, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and by the Authority of the same, That no Person or Persons whatsoever, shall, after the Tenth Day of November now next ensuing, practise as an Attorney, in any County Court, or other inferior Court in this Colony, without a Licence first obtained from the Governor and Council,

Council, or the Governor or Commander in Chief, and the Council, for the Time being, of this Colony and Dominion; upon Pain of forfeiting Forty Shillings for every Cause they shall prosecute or defend in such Court; one Moiety to His Majesty, His Heirs and Successors, for defraying the contingent Charges of this Government; and the other Moiety to the Informer: To be recovered by Action of Debt, in any Court of Record.

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IX. *AND be it further Enacted*, That the following Method shall be observed and pursued in the obtaining such Licence; (that is to say,) The Person desiring such Licence, shall present his Petition to the Governor and Council, for the Time being, setting forth his Qualifications; and such Petition shall be referred to such Person or Persons, learned in the Law, as the Governor and Council shall think proper; and upon such Reference, the Person or Persons so appointed, shall have full Power and Authority to examine the Petitioner, and to report his or their Opinion, of the Fitness or Unfitness of such Petitioner, for the Office of an Attorney, as the Matter shall appear to him or them; and upon such Report, the Governor and Council shall licence or reject such Petitioner accordingly: And every Person obtaining such Licence, before he shall be admitted to practise as an Attorney in any County Court, or other inferior Court, shall, before every such Court, take the Oaths by Law appointed to be taken, instead of the Oaths of Allegiance and Supremacy, and shall take and subscribe the Oath of Abjuration, and subscribe the Test; and shall also take the Oath of an Attorney, as followeth, *viz.*

Method of obtaining a Licence.

YOU shall do no Falshood, nor consent to any to be done in the Court; and if you know of any to be done, you shall give Notice thereof to the Justices of the Court, that it may be reformed: You shall delay no Man for Lucre or Malice, nor take any unreasonable Fees: You shall not wittingly or willingly sue, or procure to be sued, any false Suit, nor give Aid nor Consent to the same, upon Pain of being disabled to practise as an Attorney for ever. And furthermore, you shall use your self in the Office of an Attorney within the Court, according to your Learning and Discretion.

The Oath of an Attorney.

So help you God.

X. *AND* if any Attorney shall act contrary to his Duty herein directed, the Governor and Council shall have Power, upon Complaint, and Proof thereof, made before them, to supersede any Licence before by them granted to such Attorney, and to suspend him from his Office for a Time, or disable him for ever, as they shall think just. And the Clerk of the Council, for every Licence so to be granted, shall receive for his Trouble, Twenty Shillings, and no more.

Upon Misdemeanor, may be suspended or deprived.

XI. *AND be it further Enacted*, That if any Attorney, in any County Court, or other inferior Court, shall wittingly or willingly be guilty of any Neglect in any Cause, the Court before whom such Cause shall be depending, upon Proof thereof made, shall have Power and Authority to order such Attorney to pay all the Costs occasioned by such Neglect.

County Courts may order them to pay Costs, occasioned by their Neglect.

XII. *PROVIDED* always, That this Act, or any thing therein contained, shall not be construed to extend to any Attorney, who at the Time of Passing thereof, is a Practiser in the General Court, or to any Counsellor or Barrister at Law, whatsoever.

Saving to Attorneys of the General Court, and Barristers at Law.

A. D. 1732.

C H A P. XIV.

An Act for settling new Ferries, over James, Appamatox, Nottoway, Rappahanock, and Potowmack Rivers.

I. **W** H E R E A S the Ferries already appointed by Law, are not sufficient, *Be it Enacted, by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That Ferries be constantly kept at the Places herein after named; and that the Rates for Passing the said Ferries, and Transportation of Goods and Merchandises, be as follow, (That is to say,)

New Ferries.

On *James River,*

F R O M *Bermuda-Hundred Point*, in the County of *Henrico*, to the *City Point*, in the County of *Prince George*, the Price for a Man One Shilling, and for an Horse One Shilling.

A N D from the *City-Point* to *Shirley Hundred*, at the *Ship Landing*, in the County of *Charles-City*, the Price for a Man One Shilling, and for an Horse One Shilling.

F R O M *Shirley-Hundred*, at the *Ship Landing*, to *Bermuda-Hundred Point*, the Price for a Man Six Pence, and for a Horse Six Pence.

A N D from the said *Ship Landing*, to the *City-Point*, in *Prince George* County, the Price for a Man One Shilling, and for a Horse One Shilling.

F R O M the Land of *Stephen Woodson*, in the County of *Goochland*, over the River to the *Manacon-Town*, the Price for a Man Three Pence, and for an Horse Three Pence.

A N D from the Land of Mr. *Henry Cary*, called *Warwick*, in the County of *Henrico*, over the River to the Land of one *Bailey*, the Price for a Man Three Pence, and for an Horse Three Pence.

On *Appomatox River,*

F R O M *Henry Batts's*, in the said County of *Henrico*, over the River to *Alexander Bolling's*, in the County of *Prince George*, the Price for a Man Three Pence, and for an Horse Three Pence.

On *Nottoway River,*

F R O M the Land of *Thomas Drew*, in the County of *Isle of Wight*, over the River to the Land of Doctor *Samuel Brown*, the Price for a Man Three Pence, and for an Horse Three Pence.

A N D over the said River, at *Bolton's Ferry*, on the Land of *John Simmons*, Gentleman, the Price for a Man Three Pence, and for an Horse Three Pence.

On

On *Rappahanock* River,

FROM *Thomas Stanton's*, over the River, in the County of *Spotsylvania*, the Price for a Man Three Pence, and for an Horse Three Pence.

AND from *George Henry's* Landing, over the said River, to *Thomas Stanton's*, the Price for a Man Three Pence, and for an Horse Three Pence.

AT *Philemon Cavanaugh's* Ford, in the said County of *Spotsylvania*, the Price for a Man Three Pence, and for an Horse Three Pence.

FROM the Wharf just above the Mouth of *Massaponax-Creek*, in the County of *Spotsylvania*, over the River to the Landing opposite thereto, upon Mr. *Ball's* Land, in the County of *King George*, the Price for a Man Three Pence, and for an Horse Three Pence.

And on *Potowmack* River,

JUST below the Mouth of *Quantico-Creek*, over the River, to the Landing-Place at Colonel *George Mason's*, in *Maryland*, the Price for a Man One Shilling and Six Pence, and for an Horse One Shilling and Six Pence.

II. AND be it further Enacted, by the Authority aforesaid, That the Licences for keeping the said Ferries, shall be obtained in the same Manner, and the Keepers thereof have such Exemptions and Advantages, and be under the like Regulations and Restrictions, as is and are by Law provided, for and in Respect of the Keepers of Public Ferries, heretofore settled and appointed.

To be under the same Regulation, &c.

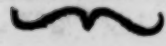
III. AND for the Encouragement of the Keepers of the Ferries by this Act appointed, to provide convenient Boats for the Transportation of Coaches, Carts, and Waggon, Be it Enacted, by the Authority aforesaid, That it shall and may be lawful, for the Courts of the Counties wherein such Ferries shall be kept, to direct and appoint proper Boats to be kept at the said Ferries, for the convenient Transportation of Coaches, Waggon, and other Wheel-Carriages; and that when such Boats shall be so provided and kept, it shall and may be lawful for the Keepers of such Ferries, to demand and take for the Ferriage and Transportation of such Wheel-Carriages, the following Rates, (to wit,) For every Coach, Chariot, or Chaise with Four Wheels, or Waggon, the same as for the Ferriage of Six Horses, according to the Rates herein before settled, at such Ferries respectively; and for every Two-Wheel Chaise, or Cart, the same as for the Ferriage of Four Horses, according to the said Rates, and no more.

Rates for Wheel-Carriages.

C H A P. XV.

An Act for altering the Place for holding Courts in the County of *Spotsylvania*.

I. WHEREAS the Place for holding Courts in the County of *Spotsylvania*, is appointed and fixed at *Germanna*, and it is found by Experience, that great Inconveniences attend the Justices and Inhabitants of the said County, and others whose Attendance is required, or who have Business

A. D. 1732.  *finess to tranfact at the said Courts, for Want of Accomodation for themselves and their Horses, which, by Reason of the Fewness of the Inhabitants for many Miles round the said Place, cannot be had :*

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That from and after the First Day of August, next after the Passing of this Act, the Court for the aforesaid County be constantly kept and held at the Town of Fredericksburg, in that County, on the First Tuesday in every Month; any Law, or Usage, to the contrary, notwithstanding.*

III. *AND be it further Enacted, by the Authority aforesaid, That when hereafter the said County shall be divided, and made Two distinct Counties, the Inhabitants of the Lower County shall, by Virtue of this Act, be obliged to reimburse to the Inhabitants of the Upper County, their Proportion of the Charge and Expence of Building and Erecting the Court-House, Prison, Pillory, and Stocks, at the said Town of Fredericksburg: And the Court of the said Lower County, are hereby impowered and required to levy the same, on the Tithable Persons in that County.*

C H A P. XVI.

An Act to enable and oblige the Parish of Saint George, in Spotsylvania County, to refund and pay back to the Parish of Saint Mark, in the County aforesaid, the Tobacco therein mentioned.

I. **W**HEREAS, an Act was made the last Session of Assembly, That
 “ from and after the First Day of *January*, which should be in
 “ the Year One Thousand Seven Hundred and Thirty, the Parish of Saint
 “ *George*, in the County of *Spotsylvania*, should be divided into distinct Pa-
 “ rishes, from the Mouth of the *Rappidan*, to the Mouth of the *Wildernefs-*
 “ *Run*, thence up the said *Run* to the Bridge, and thence *South-West* to *Pa-*
 “ *munky* River; and that all That Part of the said Parish below the said
 “ Bounds, should remain and be called by the Name of Saint *George* Parish;
 “ and that all That Part of the said Parish above the said Bounds, should
 “ thereafter be called Saint *Mark* :

II. *AND* whereas, after the Passing the said Act, and before the First Day of *January*, when the same took Effect, the Vestry of Saint *George* Parish did levy upon the Tithables within the Limits of the said Parish of Saint *Mark*, Eleven Thousand Eight Hundred and Ninety Eight Pounds of Tobacco, for building a Glebe-House in the said Parish of Saint *George*; which the Vestry of Saint *George*'s Parish refuse to raise, refund, and pay back to the said Parish of Saint *Mark*, alledging that they are not impowered by Law so to do; and the Vestry of the said Parish of Saint *Mark*, by their humble Petition, have prayed to be relieved by the General Assembly, in the Premises :

III. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That Eleven Thousand Eight Hundred and Ninety Eight Pounds of Tobacco, shall be levied and raised by the Vestry of the said Parish*

Parish of Saint George, at their next Parish Levy, on the Tithable Persons of the said last mentioned Parish; which shall be paid to the Vestry of the said Parish of Saint Mark, and be by them disposed of, for and towards Lessening their Parish Levy. A. D. 1732.

C H A P. XVII.

An Act for Altering the Days for holding the Courts of Richmond, and Westmorland Counties.

I. **W**HEREAS the Days appointed by Law, for holding the Courts of *Richmond* and *Westmorland* Counties, are by Experience found to be inconvenient,

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That from and after the last Day of October next, the Court of the said County of Richmond, be constantly held on the First Monday; and the Court of the said County of Westmorland, on the Last Tuesday in every Month; any Law, or Usage, to the contrary, notwithstanding.*

C H A P. XVIII.

An Act for Dividing every of the Counties of Richmond, King George, and Prince William, into Two distinct Parishes.

I. **W**HEREAS, by Reason of the great Length of the Parishes of *North-Farnham, Sittenburn, Hanover, and Hamilton*, in the Counties of *Richmond, King George, and Prince William*, the Inhabitants of those Parishes do lie under divers Inconveniences:

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That from and after the First Day of November, the afore-said County of Richmond, be divided into Two distinct Parishes; by Totaskey, and the Cross Creek thereof, to Colonel John Tayloe's Mill, and up that Mill-Branch, to the Forest-Quarter Road, and by that Road till it intersects with Westmorland County: And that all That Part of the said County of Richmond, which lies below the said Bounds, shall, for ever thereafter retain, and be called, and known, by the Name of North-Farnham: And all that Other Part of the said County, which lies above those Bounds, shall thereafter be called and known by the Name of Lunenburg.*

III. *AND that from and after the said First Day of November, the afore-said County of King George, be also divided into Two distinct Parishes; from the Bounds of Prince William County, at Deep-Run, to the Head of the*

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the *Dogue-Swamp*, and down that *Swamp* to *Rappahanock* River; and that all That Part of the said County of *King George*, which lies below the said Bounds, shall, for ever thereafter, be called and known by the Name of *Hanover*: And all that Other Part of the said County, which lies above those Bounds, shall thereafter be called and known by the Name of *Brunswick*.

IV. AND that, from and after the said First Day of *November*, the aforesaid County of *Prince William*, be likewise divided into Two distinct Parishes; by the River *Ockequan*, and *Bull-Run*, (a Branch thereof) and a Courte from thence to the *Indian Thoroughfare* of the *Blue Ridge of Mountains*; and that all That Part of the said County of *Prince William*, which lies below the said Bounds, shall, for ever thereafter, retain, and be called, and known, by the Name of *Hamilton*: And all that Other Part of the said County, which lies above those Bounds, shall thereafter be called and known by the Name of *Truro*.

V. AND be it further Enacted, by the Authority aforesaid, That all and every the Persons, who are now the Vestrymen of the undivided new Parishes of *North-Farnham*, *Hanover*, and *Hamilton*, shall be and continue Vestrymen of the new Parishes wherein they shall respectively reside after the Division aforesaid: And that for compleating the Number of Vestrymen, in the said several Parishes hereby established, the Freeholders and Housekeepers of the said Parishes, respectively, shall and do meet, at some convenient Time and Place, to be appointed and publickly advertised, by the Sheriff of the County wherein the Parish lies, before the First Day of *November*, One Thousand Seven Hundred and Thirty Two, and there elect and choose such, and so many, of the most able and discreet Persons of their Parish, as will make the Number of Vestrymen in each Parish, Twelve, and no more: Which Vestrymen, so continued and elected, having taken the Oaths appointed by Law, and subscribed to be conformable to the Doctrine and Discipline of the Church of *England*, shall, to all Intents and Purposes, be deemed and taken to be the Vestries of the said Parishes respectively.

VI. AND be it further Enacted, by the Authority aforesaid, That the Glebe, at present belonging to the aforesaid Parish of *Hanover*, be sold, within Two Years after the Passing of this Act, by the Vestry of the said Parish of *Brunswick*, to the highest Bidder, for Tobacco or Money; and that the Tobacco or Money arising by such Sale, be disposed of as followeth; (that is to say,) The Vestry of the said new Parish of *Brunswick*, are to retain in their Hands, for the Use of that Parish, to be by them applied towards the Lessening the Levy thereof by the Poll, a just Proportion of the said Tobacco or Money, according to the Number of Tithable Persons which are at present in the undivided Parish of *Hanover*, and which, by the Division aforesaid, shall be taken in the said new Parish of *Brunswick*, and the Remainder of the said Tobacco or Money, shall be paid and proportioned by the said Vestry of *Brunswick*, to the Vestries of the said new Parishes of *Hanover* and *Hamilton*, respectively, according to the Number of Tithable Persons, which by the Division aforesaid, shall be taken into each of those Parishes, out of the said old Parish of *Hanover*, to be applied in Manner aforesaid, towards the Lessening the Levies of the said Parishes, by the Poll: And that the old Glebe, which at present belongs to the undivided Parish of *North-Farnham*, be in like Manner sold, within Two Years after the Passing of this Act, by the Vestry of the new Parish of *North-Farnham*, to the highest Bidder, for Tobacco or Money; and the Tobacco or Money arising by such Sale, be disposed of by them, towards the Lessening their Levy by the Poll, in the Purchase of a new Glebe.

AND

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VII. *AND be it further Enacted, by the Authority aforesaid,* That the Vestry of the said Parish of *Lunenburg*, shall, at the Laying of their First Parish Levy, raise and assess on the Tithable Persons of their Parish, and pay unto the Vestry of the said new Parish of *North-Farnham*, to be by them applied to the Use of their said Parish, Five Thousand Pounds of Tobacco; and at the Laying of their Second Parish Levy, shall raise and assess in Manner aforesaid, the like Quantity of Five Thousand Pounds of Tobacco, to be paid and applied, as aforesaid, in Consideration of divers Quantities of Tobacco lately paid by the Parish of *North-Farnham*, as it stood undivided, and laid out and disbursed in the Building on a new Glebe, which by the Division of the said Parish in Manner above directed, will be taken into the said new Parish of *Lunenburg*; and is and shall be, by Virtue of this Act, vested in the said Parish of *Lunenburg*, immediately after the said First Day of *November*.

VIII. *AND* to prevent Disputes about the Placing of the Church of the said new Parish of *Brunswick*, *Be it Enacted, by the Authority aforesaid,* That the Vestry thereof, shall cause the same to be erected in the Town of *Falmouth*, on the Lot set apart for that Purpose.

IX. *AND* whereas the Vestry of the said Parish of *Hamilton*, as it stands at present undivided, have lately received of the Parish of *Overwharton*, Ten Thousand Pounds of Tobacco, pursuant to the Directions of an Act of the last Session of Assembly; but the said Vestry have not yet disposed of the same, as that Act directs: *Be it therefore Enacted, by the Authority aforesaid,* That the present Vestry of the Parish of *Hamilton*, shall pay unto the Vestry of the said new Parish of *Truro*, the Moiety of the said Tobacco; to be by them applied towards the Lessening the Levy of their Parish, by the Poll; any Law, Custom, or Usage, to the contrary of any of the Premises, in anywise, notwithstanding.

C H A P. XIX.

An Act for raising a Public Levy.

I. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and the Authority of the same,* That Nine Pounds of Tobacco be paid by every Tithable Person within this His Majesty's Colony and Dominion of *Virginia*, for the Defraying and Paiment of the Public Charge of the Country; being the Public Levy, from the One and Twentieth Day of *May*, One Thousand Seven Hundred and Thirty, to the Eighteenth Day of *May*, One Thousand Seven Hundred and Thirty Two: And that it be paid by the Collectors of the several Counties, to the several Persons to whom it is proportioned by this General Assembly. And if it shall happen, that there shall be more Tithables in any County, than the present Levy is laid on, then such County shall have Credit for so much, to the Use of the County; and if fewer Tithables in any County, then such County shall bear the Loss.

II. *AND be it further Enacted, by the Authority aforesaid,* That the Courts of the respective Counties within this Dominion, shall, and they are hereby required, at the Laying of their next County Levy, to lay and assess on the

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Tithable Persons of their County, Four Pounds of Tobacco for every Hundred; and also the same Allowances as are respectively made, by the Act of Assembly, *For Amending the Staple of Tobacco, and for preventing Frauds in His Majesty's Customs*, for the Paiment of the County and Parilh Levies, in Inspectors Notes, upon the said Nine Pounds of Tobacco *per Poll*; to be collected and received by the said Collectors, to their own Use, respectively; any thing to the contrary thereof, notwithstanding.

C H A P. XX.

An Act to confirm and establish an Agreement therein mentioned, made between Thomas Bray, Gent. and John Randolph, Esq; for the Settlement of their respective Rights to certain Lands, whereof David Bray, the elder, Gent. deceased, died seised; and for other Purposes therein also mentioned.

I. **W** H E R E A S David Bray, the elder, late of the Parish of *Bruton*, in the County of *James-City*, Gent. deceased, was in his Lifetime seised in his Demesne, as of Fee, of several Messuages, Lands, Tenements, and Hereditaments, lying and being in the Counties of *James-City*, *Charles-City*, *York*, and *New-Kent*; and was also seised in Fee-Tail, with the Reversion in Fee expectant thereon, of a Tract or Piece of Land, lying and being in the Counties of *James-City*, and *York*, containing One Hundred and Ninety Acres, more or less, by Virtue of the last Will of his Mother *Angelica Bray*; and by his last Will and Testament in Writing, bearing Date the Twenty First Day of *October*, in the Year of our Lord One Thousand Seven Hundred and Seventeen, devised all his Lands to his Son *David Bray*, the younger; and thereby declared his Will and Meaning to be, That if his Son *David* should live 'til he came to the Age of Twenty One Years, and should not have Issue of his Body, lawfully begotten, that he should not sell or dispose of any of the said Lands, until he had such Issue; but if he should live to have such Issue of his Body, and attain the Age of Twenty One Years, if both these Things should happen, he gave his said Son, all his Lands, to him and his Heirs for ever; but in Case he should die before he had lawful Issue, he gave all his said Lands to his Brother *James Bray*, and the Heirs Male of his Body, lawfully begotten; and in Default of such Issue, his Will was, that all his said Lands should be equally divided between the Heirs of his said Brother *James*, and the lawful Heir of his late deceased Sister, *Anne Ingles*, late Wife of *Mongo Ingles*, as by the said Will more fully may appear, and died so seised: After whole Death, the said *David Bray*, the younger, entered into the Tenements aforesaid, with the Appurtenances, and was thereof seised: And the said *David Bray*, the younger, was also seised in his Demesne, as of Fee, of one Messuage, Plantation, Piece or Parcel of Land, commonly called and known by the Name of *Tuttie's-Neck*, containing by Estimation, Three Hundred Acres, more or less, lying and being in the Parish of *Bruton*, in the County of *James-City*, which was purchased by *Judith Bray*, the Mother of the said *David Bray*, the younger, of one *Frederick Jones*; and also of Fourteen Acres of Land, with the Appurtenances, lying and being in the Parish of *Bruton*, in the County of *James-City*, aforesaid; which the said *David Bray* purchased of one *Bryan*, and his Wife: And by his last Will, bearing Date the Fourth Day of *June*, in the Year One Thousand Seven Hundred

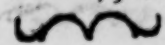
Hundred and Thirty One, among other Things, devised the Residue of all his Estate, both Real and Personal, and all Reversions and Remainders thereof, to *John Randolph*, Esq; and his Heirs, for ever, upon certain Trusts therein mentioned, as by the said last mentioned Will more fully doth appear; and died without Issue: After whose Death, several Disputes and Controversies have arisen between *Thomas Bray*, Gentleman, who is Son and Heir of the said *James Bray*, and the said *John Randolph*, concerning their respective Rights, to the Messuages, Lands, Tenements, and Hereditaments, whereof the said *David Bray*, the elder, at the Time of his Death was seised in Fee; the said *Thomas* claiming the same under the Will of the said *David Bray*, the elder, and the said *John Randolph* insisting, that as the said *James Bray* died in the Life-Time of the said *David Bray*, the younger, the said *Thomas* could take nothing by the said Will; but the said *John Randolph*, claimed the same under the Will of *David Bray*, the younger; and the said *John Randolph*, also claimed the Reversion in Fee, in the One Hundred and Ninety Acres of Land aforesaid, the Estate-Tail being extinct.

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II. WHEREUPON, it was agreed between them, for the final Ending, Settling, and Determining the said Disputes and Controversies, That the said *Thomas* would convey to the said *John Randolph*, and his Heirs for ever, all and singular the Lands, Tenements, and Hereditaments, with the Appurtenances, lying and being in *Martin's-Hundred*, in the County of *James-City*, aforesaid; which the said *David Bray*, the elder, purchased of *Aristotle Grice*, *John-Thorp Grice*, *Edward Grice*, *Thomas Grice*, *William Fuller*, and *Charles Barret*, or of any other Person within that Neck, called *Barret's-Neck*: Also One Messuage and Plantation, Piece or Parcel of Land, commonly called *Hicks's*, containing by Estimation, One Hundred Acres, more or less, lying and being in the Parish of *Bruton*, in the County of *York*, aforesaid; which was purchased by the said *David Bray*, the elder, of one *Mary Whaley*: And all that Piece or Parcel of Land, containing Fourteen Acres, more or less, which is Part of a Tract of Two Hundred and Ninety Acres, devised to the said *Thomas Bray*, by his Uncle *Thomas Bray*, deceased, being that Parcel of inclosed Land, in the Occupation of *Thomas Jones*, Gentleman, adjoining to the Land of the said *John Randolph*: And that the said *John Randolph* should convey to the said *Thomas Bray*, and his Heirs for ever, all that Messuage and Plantation, Piece or Parcel of Land called *Tuttie's-Neck*; also all that Piece or Parcel of Land, formerly the Land of *Angelica Bray*, aforesaid; and also all that Piece or Parcel of Land, purchased by the said *David Bray*, the younger, of *Bryan*, and his Wife, with their and every of their Appurtenances: And also release all his Right and Pretensions, to all the Lands, Tenements, and Hereditaments, with the Appurtenances, of which the said *David Bray*, the elder, was seised in Fee, at the Time of his Death; except what is before mentioned to be conveyed to the said *John Randolph*, as aforesaid.

III. AND whereas, by one Indenture made the Twenty Eighth Day of *May*, in the Year of our Lord, One Thousand Seven Hundred and Thirty Two, between the said *Thomas Bray*, of the one Part, and the said *John Randolph*, of the other Part, in Pursuance of the said Agreement, and for the Considerations therein mentioned, the said *Thomas Bray* did give, grant, bargain, and sell unto the said *John Randolph*, his Heirs and Assigns, all and singular the said Lands, Tenements, and Hereditaments, with the Appurtenances, lying and being in *Martin's-Hundred* aforesaid, in the County of *James-City*, aforesaid, which the said *David Bray*, the elder, purchased of *Aristotle Grice*, *John-Thorp Grice*, *Edward Grice*, *Thomas Grice*, *William Fuller*, and *Charles Barret*, or of any other Person within that Neck, called *Barret's-Neck*, (in

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Exchange for the said Messuage and Plantation, Piece or Parcel of Land, called *Tuttie's-Neck*;) also all that Messuage, and Plantation, Piece or Parcel of Land, commonly called and known by the Name of *Hicks's*, (in Exchange for that Tract, Piece or Parcel of Land, formerly the Land of the said *Angelica Bray*;) and all that said Tract, Piece or Parcel of inclosed Land, in the Occupation of the said *Thomas Jones*, (in Exchange for that Tract, Piece or Parcel of Land, purchased by the said *David Bray*, the younger, of the said *Bryan*, and his Wife,) with their and every of their Appurtenances, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits thereof; and all the Estate, Right, Title, Interest, Property, Possession, Claim, and Demand whatsoever, of the said *Thomas Bray*, of, in, and to the Premises, with the Appurtenances, to have and to hold the Premises, with the Appurtenances, unto the said *John Randolph*, his Heirs, and Assigns, for ever, to the only Use and Behoof of the said *John Randolph*, his Heirs, and Assigns, for ever: And in Consideration thereof, and of the Sum of Five Shillings, the said *John Randolph* did give, grant, bargain, and sell, to the said *Thomas Bray*, his Heirs, and Assigns, for ever, all that said Messuage and Plantation, Piece or Parcel of Land, commonly called and known by the Name of *Tuttie's-Neck*, (in Exchange for the said Land in *Martin's-Hundred*, and *Barret's-Neck*;) also all that said Tract, Piece or Parcel of Land, formerly the Land of the said *Angelica Bray*, (in Exchange for the said Messuage and Plantation, Piece or Parcel of Land, called *Hicks's*;) and also all that said Tract, Piece or Parcel of Land, purchased by the said *David Bray*, the younger, of the said *Bryan*, and his Wife, (in Exchange for that said Tract, Piece or Parcel of inclosed Land, in the Occupation of the said *Thomas Jones*,) with their and every of their Appurtenances, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits; and all the Estate, Right, Title, Interest, Property, Possession, Claim, and Demand whatsoever, of him, the said *John Randolph*, of, in, and to the said Premises, with the Appurtenances last mentioned, to have and to hold the last mentioned Premises, with the Appurtenances, to the said *Thomas Bray*, his Heirs, and Assigns for ever, to the Use of the said *Thomas Bray*, his Heirs, and Assigns for ever: And the said *Thomas Bray*, for himself, his Heirs, Executors, and Administrators, did covenant with the said *John Randolph*, and his Heirs, That the said *Thomas Bray*, his Heirs, and Assigns, shall and will stand seised, of the Tenements last mentioned, with the Appurtenances, to such Uses, Intents, and for such Estates, and Remainders, as are expressed in the Will of the said *David Bray*, the elder: And the said *John Randolph*, did further, by the said Indenture, give, grant, bargain, sell, remise, release, quit-claim, and confirm, unto the said *Thomas Bray*, and his Heirs for ever, all and singular the Messuages, Lands, Tenements, and Hereditaments, with the Appurtenances, whereof the said *David Bray*, the elder, was seised, in his Demesne as of Fee, at the Time of his Death, in the actual Possession of the said *Thomas Bray*, (except the Messuages, Lands, and Tenements, with the Appurtenances before mentioned to be granted, bargained, and sold to the said *John Randolph*,) and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits thereof; and all the Estate, Right, Title, Property, Claim, and Demand whatsoever, of him the said *John Randolph*, of, in, or to the same, and every Part and Parcel thereof, to have and to hold the Tenements, last above mentioned, with the Appurtenances, to the said *Thomas Bray*, his Heirs, and Assigns for ever, to the only Use of the said *Thomas Bray*, his Heirs, and Assigns for ever. And the said *Thomas Bray*, for himself, his Heirs, Executors, and Administrators, did covenant with the said *John Randolph*, and his Heirs, that the said *Thomas Bray*, and his Heirs, shall and will stand seised, of the Tenements last above mentioned, with the Appurtenances, to such Uses; and

and for such Estates and Remainders, as are expressed in the Will of the said *David Bray*, the elder, and to no other Uses, Intents, or Purposes whatsoever: And the said *John Randolph*, the Tenements last mentioned, did warrant, against himself, and his Heirs, as by the said Indenture, Relation being thereunto had, more fully and at large may appear. A. D. 1732.

IV. AND whereas, the said *Thomas Bray*, and *John Randolph*, have applied to this General Assembly, for an Act, to confirm and establish the said Agreement, having made Publication of their Design, Three *Sundays* successively, in the Churches of the Parishes where the Premises respectively lie: And forasmuch as the same is very just and reasonable,

V. *MAY* it please Your most Excellent Majesty, For preventing all future Disputes between the said *Thomas Bray*, and *John Randolph*, and their Families, touching the Premises, at the humble Suit of the said *Thomas Bray*, and *John Randolph*, that it may be Enacted:

VI. AND be it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and by the Authority of the same, That the Agreement, Settlement, and Provisos, in the Indenture above recited, mentioned between the said Parties, be and is hereby confirmed and established, and shall for ever hereafter be valid and binding, upon them and their Heirs, and all others claiming under the Will of the said *David Bray*, the elder. And that the Messuages, Plantations, Lands, Tenements, and Hereditaments, with the Appurtenances, by the said *John Randolph* given, granted, bargained, sold, remised, released, and confirmed, to the said *Thomas Bray*, his Heirs, and Assigns, as aforesaid, shall pass in Descent, Reversion, and Remainder, according to the Limitations and Estates, mentioned in the last Will of the said *David Bray*, the elder; any thing to the contrary thereof, in any wise, notwithstanding.

VII. SAVING to the King's most Excellent Majesty, His Heirs, and Successors; and to all and every other Person and Persons, Bodies Politic and Corporate, their respective Heirs, and Successors, all such Right, Title, Estate, Interest, Claim, and Demand, of, in, and to any of the Lands before mentioned (other than the Persons claiming under the last Will and Testament of the said *David Bray*, the elder, or any of them) as they, every, or any of them, should or might claim, if this Act had never been made.

VIII. PROVIDED always, That the Execution of this Act shall be suspended, until His Majesty's Approbation thereof shall be obtained.

Chap. 21. *An Act to restrain the Inhabitants of the Town of Delaware, from keeping any Sheep or Hogs, running at large.*

22. *An Act for pulling down Wooden Chimneys, in the Towns of Southampton, and Norfolk; and to prevent the Building of others for the future.*

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- Chap. 23. An Act to enable Robert Carter, Esq; one of the Executors of the last Will and Testament of Mann Page, Esq; deceased, to pay the Debts of the said Mann Page; and to entitle him to receive Interest for the Money he hath advanced, or shall advance, for that Purpose; and to charge the Estate of the said Mann Page, with the Repayment of the Principal and Interest.*
- 24. An Act for vesting certain entailed Lands, with the Appurtenances, therein mentioned, in Thomas Turner, in Fee-Simple; and for settling other Lands and Negroes, of greater Value, to the same Uses.*
- 25. An Act to oblige the County of Caroline, to reimburse William Woodford the Damages he sustained by Means of the Escape of Benjamin Fletcher.*
- 26. An Act for vesting certain entailed Lands, in John Allen, Gent. in Fee-Simple; and for settling other Lands, and a Mill, of greater Value to the same Uses.*
- 27. An Act to enable Charles Barham, to sell certain entailed Lands, therein mentioned; and to purchase other Lands, therein also mentioned; to be settled in Lieu thereof, to the same Uses.*
- 28. An Act for vesting certain entailed Lands, with the Appurtenances, in the County of Northampton, in Gertrude Harmanfon, in Fee-Simple; and for settling other Lands and Negroes, of greater Value, in Lieu thereof, to the same Uses.*
- 29. An Act for vesting Three Hundred Acres of Land, with the Appurtenances, in the Parish of Washington, in the County of Westmorland, whereof George Weedon is seised in Fee-Tail, in John Washington, Gent. in Fee-Simple; and for settling other Lands, of greater Value, to the same Uses.*
- 30. An Act to confirm and establish an Agreement between Richard Coleman, William Thornton, and Francis Thornton, for the Exchange of certain entailed Lands, therein mentioned; and for settling the same, with certain Negro Slaves, according to the Will of the Donors.*

- Chap. 31. *An Act for vesting Two Hundred Acres of Land, with the Appurtenances, in the Parish of Sittenburn, in the County of Richmond, whereof William-Wilson Homes, and Mary his Wife, in Right of the said Mary, are seised in Fee-Tail, in Richard Barnes, in Fee-Simple; and for settling other Lands and Negros, of greater Value, to the same Uses.*
32. *An Act for confirming certain entail'd Lands, therein mentioned, to William Meriwether, in Fee-Simple; and for settling other Lands and Negros, in Lieu thereof, to the same Uses.*
33. *An Act to enable Thomas Bray, Gent. to sell certain entail'd Lands, therein mentioned; and to lay out the Purchase-Money in Slaves, to be annexed to other entail'd Lands, therein also mentioned.*
34. *An Act to confirm certain entail'd Lands, with the Appurtenances, therein mentioned, to John Tayloe, Esq; in Fee-Simple; and for settling other Lands and Negros, therein also mentioned, of greater Value, in Lieu thereof, to the same Uses.*
35. *An Act to settle certain entail'd Lands, with the Appurtenances, in the County of Essex, whereof William Loury, and Mary his Wife, in Right of the said Mary, are seised, upon the Issue of the said Mary, by her last Marriage; and for settling other Lands, in Lieu thereof, to the same Uses.*

Signed by WILLIAM GOOCH, Esq; Governor.

John Holloway, Speaker.

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VOL. II. PART II.
NEW-YORK: PUBLISHED BY
J. LEITCH KETCHUM, 101 NASSAU ST.
1852.

THE HISTORY OF THE
CITY OF NEW-YORK
FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
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A
C A T A L O G U E,
OF THE GENERAL
TITLES and THINGS,
Contained in the Ensuing
T A B L E.

A

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A

T A B L E

T O T H E

L A W S of VIRGINIA.

A B A T E M E N T.

4 ANNÆ.
Cap. 3.
Sect. 12.

WRITS against any Defendant, being an Inhabitant of another County, shall be returned, &c. according to the Truth of the Case; and the Process abates.

9 ANNÆ.
Cap. 11.
S. 19.

Where a Declaration is good in Substance, the Suit shall not abate for Want of Form.

1 GEO. 2.
Cap. 3.
S. 29.

Attorney for any Person out of the Country, failing to give Security, at his first Appearance, or when thereto required, for Payment of Costs and Damages, the Suit shall abate, and the Party prosecuted, shall be dismissed, without Day.

A B I L I T Y.

Capacity, Incapacity, Disability, Nonability.

4 ANNÆ.
Cap. 2.
S. 4.

Feme Sole, Feme Covert, Infant, and Recusant convict, disabled from Voting at any Election of Burgesses.

Persons giving or promising Presents, &c. shall be incapable to sit, or vote, in the General Assembly.

No Person under the Age of 21 Years, nor any Person, who is not, at the Time of Election, a Freeholder in the same County, shall be capable of being elected a Burgess, but every such Election shall be illegal and void.

No Person capable of being Sheriff, who is not, at that Time, a Justice of Peace in the same County; nor of executing the Office of Sheriff, longer than 2 Years successively, &c. See Sheriffs.

Popish Recusants convict, Negros, Mulattos, and Indians, not being Christians, incapable of being Witnesses.

Collector, or Naval Officer, taking unlawful Fees, for the second Offence shall be for ever disabled to execute his Office, or enjoy the Profits, &c. See Customs.

If any Person, educated in the Christian Religion, shall be convicted, &c. of Atheism, Deism, or Infidelity, such Person shall, for the first Offence, be incapable and disabled to bear Office; on a second Offence, shall be disabled to prosecute any Action in Law or Equity, or to be Guardian,

- dian, Executor, Administrator, Devisee, or Legatee, or to bear Office, &c. See Religion.
- 4 ANNÆ. Cap. 49. S. 11. Negros, Mulattos, Indians, Jews, Moors, Mahometans, and other Infidels, and Persons marrying with any such, disabled from purchasing, or keeping, a Christian Servant.
- Cap. 52. S. 2. Tributary Indians disabled from conveying, &c. in Fee for Life, or Years, any Lands held or claimed by them.
- 10 ANNÆ. Cap. 2. S. 4. & 9. Probat of Wills, or Commissions of Administration, shall enable Executors, or Administrators, to possess themselves, sue for, and recover all the Estate of their Testator, or Intestate, &c.
- 12 ANNÆ. Cap. 8. S. 2. Every Inhabitant of this Colony, not being a Freeholder of 50 Acres, or occupying Lands, &c. of 20 l. Value, or paying 50 s. Annual Rent, disabled from keeping more than One Gelding, or spaid Mare, &c. Overseers, not being Freeholders, &c. and all Servants, disabled from keeping any Horse, Mare, or Colt, without Licence from their Master, &c. or more than One, although licenced, &c.
- S. 5.
- 9 GEO. I. Cap. 4. S. 13. All Free Negros, Mulattos, and Indians, disabled from Voting at Public Elections.
- 12 GEO. I. Cap. 1. S. 12. Collectors of the Duties upon Liquors, or their Deputies, taking any Bribe, &c. or conniving at any false Entry, shall be for ever disabled in Office, &c. and rendered incapable of any Office or Employment relating to the Customs.

ACCOUNT.

- 4 ANNÆ. Cap. 29. S. 3. Collectors of the Duties upon Skins, and Furs, shall account with the Governors of the College of *William and Mary*, or their Deputies, &c.
- 12 GEO. I. Cap. 1. S. 18. Monies raised by the Duties upon Liquors, shall be, by the Collectors, from Time to Time, accounted for, upon Oath, to the Treasurer of *Virginia*; and by him shall be

accounted for, upon Oath, to the General Assembly.

The respective Sheriffs shall, annually, on or before the Last of *May*, account with the Secretary, and County Court Clerks, for the Secretary's and Clerks Fees, delivered them to collect, &c.

5 & 6
GEO. 2.
Cap. 10.
S. 8.

ACTIONS.

Suits, Costs, Damages, Nonsuit, Limitation, Pleas, Issues.

In Actions of Slander, occasioned by the Wife, the Woman shall suffer a Ducking for each 500 lb. Tob°. Damages adjudged against the Husband, &c.

14 CAR. 2.
Cap. 5.

Suits against County Courts, or Vestries, for Breach of Penal Laws, may be brought, &c. against all the Justices, or Vestrymen jointly.

4 ANNÆ.
Cap. 19.
S. 26.

An Act for Limitation of Actions, and avoiding of Suits.

Cap. 35.

Case, Account, (between Merchants excepted) Trespass, Debt, Detinue, Replevin, and *Quare Clausum fregit*, shall be brought within Five Years after Cause of Action accrued: Assault, Battery, Wounding, and Imprisonment, in Three Years: Slander in One Year after the Words spoken.

S. 1:

If a Judgment, &c. for the Plaintiff, or an Outlawry, be reversed, &c. Plaintiff may recommence his Action in One Year, &c.

2.

In Trespass, *Quare clausum fregit*, where the Defendant pleads a Disclaimer, and involuntary Trespass, with Tender of Amends before Action brought, Plaintiff shall join Issue; and if that be found for the Defendant, or if the Plaintiff be nonsuit, he shall be bar'd, &c.

3.

In Slander, if the Damages assessed, be under 40 s. Plaintiff shall have no more Costs than Damages.

4.

Persons, at the Time of Action accrued, being within Age, Feme Covert, *Non compos Mentis*, imprisoned, or out of the Country, may bring Suit, within the Times limited,

5.

limited, after their Impediments removed.

4 ANNÆ.
Cap. 35.
S. 6.

Defendant concealing himself, or removing out of the Country, or County, shall have no Benefit by this Act.

9 ANNÆ.
Cap. 11.
S. 16.

If the Plaintiff, &c. fails to file his Declaration, or to appear, and prosecute his Suit, he shall be nonsuit. Upon Nonsuit awarded, Five Shillings shall be paid, besides Costs, &c. Vestries may be sued, in One Action, against all the Members.

Cap. 13.
S. 9.

Writs of Formedon in Discender, Remainder, or Reverter, shall be brought within Twenty Years. No Person shall make any Entry, &c. but within Twenty Years after Right or Title accrued, &c.

S. 11.

All Writs of Right, &c. for Lands, &c. shall be brought within 30 Years, &c.

S. 12.

Infant, Feme Covert, Persons being *Non compos Mentis*, imprisoned, or out of this Colony, may sue within 10 Years, after Incapacities removed.

S. 13.

Persons out of the Colony, at the Time of making this Act, may sue within 10 Years after 31 May, 1711, and not after.

12 GEO. 1.
Cap. 1.
S. 21.

If any Collector of the Duties upon Liquors, or Constable, shall be sued, &c. for any thing done in Execution of this Act, he may plead the General Issue, and give this Act in Evidence, &c. On Nonsuit, or Judgment against the Plaintiff, Defendant shall have double Costs.

Cap. 3.
S. 32.

If any Action be commenced against a Sheriff, or Officer, for any Thing by him done, in Pursuance of the Act, 12 Geo. 1. cap. 3. concerning Executions, &c. and for Relief of poor Prisoners for Debt, such Officer may plead the General Issue, and give this Act in Evidence.

1 GEO. 2.
Cap. 3.
S. 12.

In all Personal Actions, the Plaintiff shall file his Declaration within Four Days after the Defendant has entred his Appearance: If the Plaintiff fails, &c. he shall be Nonsuit.

Actions of Account may be maintained against Executors, Administrators, and Guardian, Bailiff, and Receiver; and by one Joint-Tenant, or Tenant in Common, his Executors and Administrators, against the other, as Bailiff, for receiving more than his Share; and against the Executor or Administrator of Joint-Tenant, or Tenant in Common.

3 & 4
GEO. 2.
Cap. 8.
S. 14.

Persons having the Custody of Children, by the Appointment of the Father, may maintain an Action of Ravishment of Ward, or Trespass, for the wrongful taking away or detaining them; and recover Damage for the Use of such Child or Children.

S. 15.

And may bring Action for the Profits of Lands, &c. and for the Custody and Management of Slaves and Personal Estate, as a Guardian, in Common Soccage, might do.

S. 16.

And especially Action for Pound Breach, or Rescous, for Goods distrained for Rent, Plaintiff shall recover treble Damages and Costs against the Offenders, or against the Owner of the Goods distrained, if found to come to his Use or Possession afterwards.

Cap. 9.
S. 4.

Owner of Goods or Chattels distrained for Rent, where none due, recover double the Value of the Goods distrained, and Costs, in an Action of Trespass, or on the Case, brought against the Person distraining.

S. 5.

Where several Defendants in Trespass, Assault, Imprisonment, or Ejectment, and one or more of them acquitted, every Person acquitted, shall recover Costs, as if Verdict had been given against the Plaintiff; unless the Court shall adjudge there was reasonable Cause to make such Person Defendant.

5 & 6
GEO. 2.
Cap. 13.
S. 2.

In Actions of Trespass, Assault and Battery, where the Court shall not be satisfied, and enter upon Record, that the Battery was proved, or Title of Land was or might have been in Question,

U u u

or

or Trespafs, wilful or malicious; and in all other Personal Actions, if the Jury find under 40 s. Plaintiff shall not recover more Costs than Damages.

In Actions in a County Court, for Recovery of any Debt upon a simple Contract, if, upon Trial, it shall appear there is not 20 s. due, the Plaintiff to be nonsuited, and pay Costs; unless made appear, and entered on Record, that the Defendant refused or delayed to settle Accounts.

5 & 6
GEO. 2.
Cap. 13.
S. 3. Where Judgment is for Defendant, he shall recover his Costs.

S. 3. This not to extend to Executors or Administrators.

S. 4. Death of Plaintiff or Defendant, after interlocutory Judgment, shall not abate any Action, if it might be originally maintained by or against Executors or Administrators; but a *Scire facias* shall issue upon such Judgment.

Death of one of the Plaintiffs or Defendants, if the Cause survive, shall not abate the Action.

Death of Plaintiff or Defendant, after Verdict, shall not be pleaded in Abatement.

Plaintiff in County Court desiring Execution returnable at a further Day than now allowed, Clerk shall issue the same returnable upon some Court Day, within 90 Days after Teste.

S. 5. Actions on Bonds, &c.

Plaintiff may sign as many Breaches as he pleases. On Trial, the Jury may assess Damage for Breaches broken.

If Judgment be given for the Plaintiff, on Demurrer, &c. he may suggest as many Breaches as he pleases; and Jury, on Writ of Enquiry, shall assess Damages, and Execution shall issue for so much.

Judgment to remain to answer any further Breach that may be sustained, on which the Plaintiff may have a *Scire facias* against the Defendant.

Actions upon Bonds, for Paiment of Money:

If Plaintiff recover, Judgment shall be entered for the Penalty, to be discharged, upon Paiment of Principal, Interest, and Costs.

And if before Judgment, Defendant shall bring into Court, Principal and Interest due, shall be discharged, and Judgment entered only for Costs.

An Action of Debt on single Bill, or *Scire facias* on a Judgment, or on Bond, if Defendant having paid Principal and Interest before Action brought, may plead Paiment.

Where Plaintiff's Demand does not exceed 5 l. or 1000 lb. of Tobacco, must proceed by Petition, and not otherwise; and if he demands a greater Sum to evade the Act, he shall be nonsuited, and pay Costs. S. 6.

No Person to practise as an Attorney in the County Court, or other inferior Court, without Licence from Governor and Council, under Penalty of 40 s. for every Cause. S. 8.

Persons desiring such Licence, to petition Governor and Council, and set forth his Qualifications; the Petition to be referred to some Person learned in the Law, to report his Opinion thereupon; and Governor and Council to licence or reject such Petition accordingly. Persons obtaining such Licence, to take the Oaths to the Government, subscribe the Test, and take the Oath of an Attorney prescribed by this Act. See the Oath. S. 9.

Governor and Council, upon Complaint, to supersede such Licence, and to suspend the Attorney for a Time, or disable him for ever. Fee to Clerk of the Council, for a Licence, 20 s. S. 10.

Attorney guilty of wilful Neglect in any Cause, the Court where the same shall be depending, may order him to pay all the Costs occasioned thereby. S. 11.

This Act not to extend to any Attorney now practising in the General Court, or any Barrister at Law. S. 12.
A G R E E -

AGREEMENT.

15 CAR. 2. No Person shall recover any Thing
Cap. 16. for Diet, or Storage, against any
S. 2. whom he entertains, without making a certain Agreement.

ALIEN.

32 CAR. 2. The Governor may grant Letters
Cap. 2. of Naturalization to Aliens, who
S. 2. shall take the Oaths of Allegiance; and enjoy all Rights and Privileges of Natural-born Subjects. See Naturalization.

APPEAL.

Superfedeas.

4 ANNÆ. Persons convicted before the County Court, &c. of Hog-stealing, may appeal to the General Court.
Cap. 14.
S. 1.

Cap. 19. Persons agrieved by the Judgment, &c. of any inferior Court, may appeal to the General Court. Appellant, in Personal Actions, not exceeding 20 l. Sterling, or 4000 lb. of Tobacco, shall assign Errors in Matter of Right only: If not under 20 l. &c. nor above 50 l. Sterling, or 10000 lb. Tobacco, Errors in Matter of Right, and such Errors in Form, as were insisted upon in the inferior Court, may be assigned; if above 50 l. &c. and in all Real Actions, any Errors in Form, or Substance, may be assigned.
S. 34.

S. 35. If the Judgment, &c. be affirmed, Appellant shall pay the Appellee, besides the Principal Sum and Costs first recovered, in Personal Actions, 15 per Cent. upon such Principal and Costs; in Real Actions, 2000 lb. Tobacco.

S. 37. Superfedeas shall be brought in the same Manner as Appeals, and subject to the like Damages.

9 ANNÆ. The Act 4 Annæ, Cap. 19. not intended to abridge, &c. Her Majesty's Roial Prerogative, &c. of Receiving Appeals from the Judgments, &c. of the General Court.

Defendant, or Tenant, being Appellant in the County Court, shall give Bond and Security for prosecuting the Appeal, and performing the Judgment of the General Court, &c. And if the Judgment of the County Court be affirmed, shall pay the Appellee, in Personal Actions, 15 per Cent. upon the Principal Sum, and Costs, first recovered; in Real Actions, 2000 lb. Tobacco, besides Damages and Costs. If the Plaintiff, &c. appeals, the Bail for Appearance of the Defendant in the County Court, shall stand Bail for his Appearance in the General Court, unless he be ruled to give Special Bail. Plaintiff, &c. appealing, shall give Bond, &c. in 20 l. and if he fails to prosecute the Appeal, his Bond forfeited to the Defendant, &c. If, upon Appearance, the Judgment is affirmed, he shall pay the Defendant, &c. 50 s. or 500 lb. Tobacco, and Costs.

Persons agrieved by an Order of the County Court, made in Pursuance of the Act, for appointing Rolling-Houses, and Public Landings, &c. may appeal, &c. 11 ANNÆ. Cap. 5. S. 10.

No Appeal shall be allowed; or Superfedeas granted, for reversing any Judgment, or Decree, given in any inferior Court of Record, where the Debt or Damage recovered, exclusive of Costs, shall not exceed 5 l. Current Money, or 1000 lb. Tobacco, unless the Title or Bounds of Lands shall be drawn in Question. 1 GEO. 2. Cap. 3. S. 14.

APPRAISEMENT.

Inventory.

A true and perfect Inventory of every Decedent's Estate shall be returned to the next Court, &c. by the Executor or Administrator, upon Oath. 10 ANNÆ. Cap. 2. S. 15.

The Court, &c. shall appoint Three Appraisers, who shall be sworn, &c. and shall value the Estate in Money. S. 16.

U u u 2

Where

10 ANN. 2. Where the Testator directs that his
Cap. 2. Estate shall not be appraised, and
S. 19. leaves more than sufficient to pay
all Debts, the returning an In-
ventory shall be held a Compli-
ance with this Act.

1 GEO. 2. Provisions, Tools, &c. impressed for
Cap. 5. Military Service, shall be apprai-
S. 5. sed by Two Men, upon Oath;
Boats, Sloops, Carts, &c. with
their Appurtenances, shall be in
like Manner appraised; and also
an Estimate made of Allowance
per Diem, in Tobacco, for the
Use, &c. See Militia.

ASSEMBLY.

General Assembly. Burgesses. Treas-
urer. Elections. Freeholders.

34 CAR. 2. Publication by Words, or Writing,
Cap. 8. That the Acts of Assembly of
S. 2. Virginia, are not of Force with-
in this Colony, first Offence,
1000 lb. Tobacco, and 1 Month's
Imprisonment; for every Offence
thereafter, the Fines, &c. to be
doubled, over and above all other
legal Punishments.

4 ANN. 2. An Act for regulating the Elections
Cap. 2. of Burgesses; for settling their
Privileges; and for ascertaining
their Allowances.

S. 1. The Freeholders of every County
to elect Two Burgesses; and the
Freeholders of James-City One
Burgess.

S. 2. Writs for Elections shall be signed
by the Governor, &c. and deli-
vered to the Secretary, 40 Days,
at least, before the Day appoint-
ed for the Session to begin. The
Secretary shall transmit the Writs
to the Sheriffs of the respective
Counties, within 10 Days after
Date, on Penalty of 40 l. The
Sheriff shall deliver One Copy to
the Minister or Reader of every
Parish in his County, and endorse
thereon, the Time and Place for
Election; which shall be at the
Court-House, 20 Days, at least,
after he receives the Writ, on
Penalty of 2000 lb. Tobacco.
The Minister, &c. shall publish
such Copy, &c. after Divine

Service, in his Church, &c. eve-
ry Sunday between the Receipt,
and the Day of Election; and re-
turn the same, with a Certificate
of Publication, &c. on Penalty
of 1000 lb. Tobacco. The sever-
al Forfeitures shall be to the
Crown and Informer, &c.

Every Resident Freeholder shall ap- S. 3.
pear, and vote, at such Election,
on Penalty of 200 lb. Tobacco,
to the Informer.

Feme Sole, Feme Covert, Infant, S. 4.
and Recusant Convict, shall be
excluded from voting. Persons,
not being Freeholders, presuming
to vote, forfeit 500 lb. Tobacco,
&c. If, upon Suit brought, the
Question be, Whether any Person
be a Freeholder, or not? the *Onus
Probandi* shall lie upon the De-
fendant. Method of taking the
Poll, by the Sheriff, and return-
ing the Burgesses. Freeholders,
if required, &c. shall be sworn.
The Oath. Persons convicted of
wilful Perjury, or Subornation,
&c. forfeit 10 l. to the Crown,
and Informer.

Tenant for Life, and all Persons S. 6.
having Estates of greater Digni-
ty, shall be Freeholders, within
this Act.

Sheriff shall return the Writ; En- S. 7.
dorsement thereon; Forms of
Returns: Shall deliver a Copy of
the Poll, &c. on Request of any
Candidate, &c.

Burgesses dying, &c. fitting the S. 8.
General Assembly, Sheriff shall
forthwith execute the Writ for a
new Election. Sheriff refusing
to take the Poll, or deliver a Co-
py thereof, or making false Re-
turn, &c. forfeits 40 l. Sterling.

Sheriff shall return the Writ, &c. S. 9.
to the Secretary's Office, before
the Day of Return, on Penalty
of 2000 lb. Tobacco.

No Candidate shall give, or pro- S. 10.
mise, Money, Treats, Prefer-
ments, &c. to any Freeholder,
or to any County, &c.

Persons so giving, or promising, &c. S. 11.
shall be disabled to vote, in
the General Assembly.

No

4 ANN. A.
Cap. 2.
S. 12.

No Person under the Age of 21 Years, nor any Person who is not, at the Time of Election, a Freeholder in the same County, shall be capable of being elected, &c. and such Election void.

S. 13.

All Members of the General Assembly, privileged from Civil Process, in their Persons, Servants, and Estates, during the Session, and Ten Days before and after. Process depending before Election, shall be stayed 10 Days before and after every Session; but may be afterwards continued. If the Assembly is prorogued, or adjourned, longer than 20 Days, Process may commence in the Interval.

S. 14.

Burgesses Wages, 130 lb. Tobacco and Cask, *per Diem*, besides Ferriages, to be paid by their respective Counties. Burgesses coming by Water, 120 lb. Tobacco and Cask, *per Diem*. Allowances for travelling Days from their several Counties. For Burgesses coming by Water, the Sheriff shall provide a Boat and 2 Men, at 36 lb. Tobacco *per Day*; but the Burgesses for Accomack, and Northampton, shall be allowed 60 lb. Tobacco *per Day*, for a Sloop and Hands.

S. 15.

At every Election, the Sheriff of each County, shall, by Proclamation, publish the Time for a Court to be held, for receiving Propositions and Grievances, and Public Claims; which shall be certified to the Assembly, and delivered to the Burgesses. Such Court to be published and held, before every Session.

Cap. 3.
S. 6.

No Writ, or Precept, shall be executed at any Election of Burgesses, &c.

Cap. 23.
S. 7.

Possession of Slaves shall not give the Owner a Vote in Elections of Burgesses.

Cap. 28.

An Act for the continuing of General Assemblies, in Case of the Death or Demise of Her Majesty, Her Heirs or Successors; and for making valid all Acts of the Governor and Council, and all Judg-

ments and Proceedings at Law, which shall happen between the Death of any King or Queen of England, and the Notification thereof in this Country.

S. 2.

General Assemblies shall not be dissolved by the Death of the Queen, or her Successors, but shall continue, and be holden, according to Summons or Prorogation, during 6 Months after such Demise, unless sooner prorogued or dissolved by the Governor.

S. 3.

Acts, Judgments, &c. of Governor and Council, Courts of Judicature, Magistrates, &c. passed after the Death of the King, &c. and before Proclamation of the Successor, shall be valid; and all Offences against the Crown punishable.

S. 4.

This Act shall not abridge the Governor's Power, in proroguing or dissolving General Assemblies; nor limit the Governor and Council in the Execution of Instructions by them received from the succeeding King.

9 Geo. 1.
Cap. 8.

An Act appointing a Treasurer, and empowering him to receive the Monies in the Hands of the late Treasurer.

S. 2. &c.

John Holloway, Esq; appointed Treasurer of the Revenues arising by the Duty on Liquors, &c. to the Uses limited by Act of Assembly: His Salary, 4 *per Cent*. Shall give Bond and Security in 6000 l. *Sterling*.

S. 51

In Case of Death, Departure out of the Colony, or legal Disability, the Governor and Council may appoint a Person to execute the Office, &c. 'til the next Session of Assembly.

S. 7. &c.

Declaration relating to the several Sums of 4000 l. and 1200 l. in the Hands of the late Treasurer, given for Bounties upon Tar and Hemp exported, Anno 1722. *Vid.* 8 Geo. 1. Cap. 1.

S. 9.

3000 l. shall be immediately paid to the Treasurer, by Peter Beverley, Esq; late Treasurer, and all other Public Money in his Hands, within 6 Months. The Gover-

Governor, or Commander in Chief, for the Time being, impowered, from Time to Time, to issue his Warrants to the Treasurer, for all Public Paiments, due by Order, or Act of Assembly. The Treasurer to discharge all such Warrants, and to account, upon Oath, to the next General Assembly.

12 GEO. I. Monies rais'd by the Duties laid upon Liquors, by this Act, shall be, from Time to Time, paid, &c. to the Treasurer of Virginia, and by him accounted for, upon Oath, to the General Assembly. The Duties of 3 d. per Gallon upon Spirits and Wine; and 1 d. upon Cider, Beer, or Ale, shall be applied, &c. for lessening the Public Levy, &c. Out of the Duty of 1 d. per Gallon upon Spirits and Wine, 200 l. per Annum, appropriated for 21 Years, to the College of William and Mary; and the Overplus to be disposed of by the General Assembly.

Cap. 2. An Act appointing a Treasurer.

S. 1. &c. John Holloway, Esquire, appointed Treasurer of the Revenues arising by an Act of this Session, for laying a Duty on Liquors. His Salary, 4 per Cent. Shall give Bond and Security, in 4000 l. &c. In Case of Death, &c. the Governor, &c. may appoint another Person, &c. 'til the next Session of Assembly.

3 & 4 GEO. 2. No Burgess elected to serve in any Session of Assembly, for any County or Corporation, shall demand any Salary or Wages for his Service, unless for such Days as he attends in the House, (Sundays within the Time of the Session, and Days of coming and returning excepted.)

S. 3. Burgesses taken Sick or Lame, during Attendance on Assembly, or on their Journey, shall be allowed and paid, as if attending the Service of the House.

S. 4. 5. For obviating Disputes about paying their Wages in Money, when there shall be 1500 l. in Treasu-

rer's Hands, after all Public Debts are paid, every Burgess shall be paid in Money, after the Rate of 10 s. per Diem, for coming, attending, and returning; and Governor to give Warrant on Speaker's Certificate.

Burgesses coming by Water, shall S. 6. be paid only 9 s. per Diem, for Wages, and 3 s. 6 d. per Diem, for Boat and Hands which shall be employed in their Service.

But Eastern Shore to be allowed S. 7. 6 s. per Diem, for a Sloop and 2 Men for each County, for the Days employed in that Service.

County Courts shall not levy, nor S. 8. Treasurer pay any Burgess for those Days on which they fail to attend, (except in Cases before excepted.)

Burgesses serving for Brunswick, S. 9. 10. Spotsylvania, and Prince William, allowed 4 Days; and Goochland, Hanover, Caroline, and King George, 3 Days, for coming to, and for returning from, each Session of Assembly.

No Person being Sheriff, shall be Cap. 10. capable of sitting or voting as a S. 2. Member of the House of Burgesses; and a Writ to issue for electing a new Member, as if such Sheriff were dead.

Every Member of the House of S. 3. Burgesses, during his being such, exempted from being Sheriff.

Any Member of the House of Bur- S. 4. gesses hereafter accepting any Office of Profit, or holding the same in his own Name, or in the Name of any other in Trust for him, or executing any Office by himself, or Deputy, made incapable of sitting or voting in the House of Burgesses; and a Writ to issue for electing a new Member in his stead. Persons so disabled, and presuming to sit or vote in any General Assembly, forfeits 50 l. to be recovered in any Court of Record, by an Action of Debt, &c.

Persons disabled for accepting an S. 5. Office of Profit, may be again elected.

A T T A C H-

ATTACHMENT.

Arrests, Appearance.

- 4 ANNÆ. Defendant failing to appear, &c. an Attachment may issue against his Estate, &c. repleviable by Appearance, at the next Court. Cap. 3. S. 10.
- Cap. 19. Bail, or Sheriff may have Remedy, by Attachment, against the Defendant's Estate, to be granted by the Court, upon Motion, returnable to the next Court, &c. See Bail. S. 25.
- 9 ANNÆ. Justice of Peace may grant Attachment against the Estate of any Person, removing privately, or absconding, &c. returnable to the next Court, and repleviable by Appearance, &c. But before granting such Attachment, the Justice shall take Bond and Security of the Party praying, &c. Cap. 11. S. 10.
- 1 GEO. 2. Where *Non est inventus* shall be returned, the Plaintiff may sue out an Attachment against the Defendant's Estate; and if the Sheriff returns the Attachment executed, the Plaintiff may have a Judgment for his Debt. The Goods attached, shall remain in Custody of the Sheriff, until Judgment obtained, and then be sold, as Goods taken upon *Fieri Facias*, &c. But the Estate attached, may be replevied by Appearance, or Bail. Cap. 3. S. 9.
- S. 10.
- S. 22. Justice of Peace may grant Attachments for less than 20 s. *Sterling*, or 200 lb. Tobacco, taking Bond and Security, as directed by the Act, 9 *Annæ*, Cap. 11. returnable before himself, or any other Justice of the County, and proceed thereupon, as upon an Attachment returnable to the County Court.
- S. 23. If any Attachment, returnable to the County Court, or before a Justice of Peace, shall be returned, executed, and the Goods are not replevied by Appearance, &c. the Plaintiff shall have Judgment for his Debt, and Execution thereupon, and the Goods shall be sold, as Goods taken by *Fieri Facias*.

ATTORNIES.

- No Sheriff, Commissioner, Under-Sheriff, or Clerk, shall plead, as an Attorney, in his County Court, on Penalty of 1000 lb. Tobacco. 13 CAR. 2. Cap. 49. S. 1.
- Commissioner appointed by the Court, &c. for the Poor, and General Attornies for Persons out of the Country, or County, excepted. S. 2, 3.
- Attorney for Person out of the Country, Owner of a Mill, shall keep the Dam, &c. as prescribed by this Act, or be liable for the Penalties. 1 GEO. 1. Cap. 2. S. 2.
- Any Attorney, &c. engaging to appear for the Defendant, shall enter an Appearance on the 4th Day after Return of the Process, &c. or shall forfeit to the Plaintiff, 50 s. Current Money; for which, Judgment shall be immediately entered, and Execution may issue thereupon. 1 GEO. 2. Cap. 3. S. 4.
- A Lawyer's Fee, in all Cases in the General Court, shall be 50 s. Current Money, or 500 lb. Tobacco, at the Election of the Party adjudged to pay the same. S. 12.
- Attornies for Persons out of this Colony, shall give Security, &c. when required, for Payment of Costs, Damages, &c. Failing to give such Security, Suit abates. S. 29.
- Attornies Fee, in the County Court, 15 s. or 150 lb. Tobacco. 5 & 6 GEO. 2. Cap. 10. S. 9.
- County Court Attornies, how to be licenced, and practice. See Actions, Bail. 5 & 6 GEO. 2. Cap. 13. S. 8, 9, 10, 11, 12.

BAIL.

Mainprize, Appearance, Bonds, Obligations, Recognisances, Securities.

- The Sheriff shall take Obligations of Persons in his Custody, payable to himself, as Sheriff, and dischargeable by Appearance of the Prisoner, &c. otherwise the Obligation void. 4 ANNÆ. Cap. 3. S. 8.

Sheriff

- 4 ANNÆ. Sheriff shall return the Names of the
Cap. 19. Bail by him taken, and the Bail
S. 22. so taken, shall be subject to the
same Judgment and Recovery,
and have the same Liberty of
Defence, as the Defendant might
have, or be subject to. But the
Bail shall be discharged, by the
Personal Appearance of the De-
fendant, at the next Court after
Judgment given against the Bail.
If Bail is not return'd, and the
Defendant fails to appear, the
Sheriff shall be subject to the Judg-
ment and Recovery. If the Sher-
riff dies, before Judgment con-
firmed against him, then such
Judgment shall be given against
his Executors, or Administrators;
and if none such, a *Fieri Facias*
shall issue against his Estate.
- S. 24. Sheriff, or Bail, shall not be dis-
charged by Appearance of the
Defendant, unless Special Bail be
entered, &c.
- S. 25. Bail, or Sheriff, their Executors, or
Administrators, may have Remedy,
by Attachment, against the
Defendant's Estate, to be granted
by the Court, upon Motion,
&c. returnable to the next General
Court.
- 9 ANNÆ. Mariner cutting, injuring, &c. Tobacco
Cap. 8. Cask, forfeits 5*l.* and may
S. 3. be held to Special Bail, &c. See
Ships.
- Cap. 11. Special Bail liable for the Judgment,
S. 17. 18. unless he render the Defendants
Body in Execution, &c. Court
may rule the Defendant to give
Special Bail, &c. but not in Suits
for Breach of Penal Laws.
- S. 22. If the Plaintiff, &c. appeals, the
Bail for Appearance in the County
Court, shall stand Bail for Ap-
pearance in the General Court,
&c. unless the Defendant be ruled
to give Special Bail.
- 10 ANNÆ. Executors, &c. and Administrators,
Cap. 2. shall give Bond and Security, &c.
S. 12. 13. The Conditions of the Bonds,
shall be payable to the Justices,
&c. and their Successors, &c.
and may be prosecuted, until
Judgment obtained for the Pen-
alty, &c.

- When any Writ shall issue, return- 1 GEO. 2.
able to the General Court, &c. Cap. 3.
and no Debt or Damage, shall S. 2, 3.
be mentioned in such Writ; or
if Bail be not by Law requir-
able, the Sheriff may take the
Engagement of an Attorney, en-
dorsed upon such Writ, that he
will appear for the Defendant,
&c. Such Appearance shall be
entered, &c. on the Fourth Day
after the Return of the Writ, &c.
- Where Bail shall be requirable, S. 5.
the Sheriff shall return the Names
of the Bail, &c. before the Day
of Appearance. If the Sheriff
shall not return Bail, or the Bail
returned, be adjudged insuffici-
ent, &c. or the Defendant fail
to give Special Bail, being ruled,
&c. the Sheriff, or Bail return-
ed, shall be subject to the Judg-
ment or Recovery, and may have
Remedy against the Defendant,
&c.
- Judgment against Defendant and S. 6.
Sheriff, or against Defendant and
Bail, may be set aside, if the
Defendant appear, &c. on the
First Day of the Court next en-
suing the Return of the Writ,
and plead to issue immediately.

BILLS of EXCHANGE.

Bonds and Promisory Notes.

- Protested Bills of Exchange shall 3 & 4
carry 10 *per Cent.* Interest *per* GEO. 2.
Annum, from the Date. Cap. 5.
S. 2.
- No more than 18 Months Interest S. 3.
to be allowed from the Date, 'til
the Time it is presented protested
to the Drawer or Indorser.
- After the Death of Drawer or In- S. 5.
dorser, protested Bills of Exchange
shall be accounted of equal Dig-
nity with a Judgment; and the
Executors or Administrators of
every Drawer or Indorser shall
suffer Judgment to pass upon such
protested Bills, before any Bond,
Bill, or Debt, of equal or inferior
Dignity, on Penalty of paying
the same out of their own proper
Goods.

Bills

- 3 & 4 Bills of Exchange drawn before this
GEO. 2. Act, and protested, to pay 15
Cap. 5. per Cent. Damage.
S. 6.
S. 7. Actions of Debt may be maintain-
ed, upon protested Bills, against
Drawers and Indorsers jointly, or
separately, and Judgment may
be given for Principal, Charges,
and Interest, after the Rate of
10 per Cent. per Annum, to the
Time of such Judgment; and
thereafter, at the Rate of 6 per
Cent. 'til paid.
S. 8. Actions of Debt may be maintained
upon Promissory Notes, either for
Money or Tobacco.
S. 9. But shall be brought within Time
of Limitation, by the Act made
4 Annæ, Cap. 35.
S. 10. Upon Suit brought for Debt, due
by Judgment, Bond, Bill, or o-
therwise, Defendant may make
Discount, and the same to be al-
lowed.
S. 11. Bonds, Bills, and Notes, may be
assigned, and Assignee may pro-
secute in his own Name, for Re-
covery of Debt due thereby.
S. 12. Debtor may make Discount against
the Obligee or Assignee, and the
same shall be allowed.

CLERGY.

Clerks. Readers. Registers.

- 13 CAR. 2. Ministers to be inducted.
Cap. 4. Ministers shall produce Testimonials
of Ordination, &c. Be inducted
by the Governor, into any Parish
making Presentation, and sub-
scribe to conform, &c. to the
Church of England. Any other
Persons presuming to teach or
preach, to be suspended, and
compelled to depart the Country.
Cap. 5. Readers to be chosen by the Parish.
Cap. 6. Canons of the Church of England
to be observed, and the Liturgy
to be read every Sunday.
Cap. 7. No other Catechism than that of
the Church, to be taught, or ex-
pounded.
No Reader to expound Catechism,
or Scripture.

Ministers shall preach every Sunday, 13 CAR. 2.
and administer the Sacrament Cap. 8.
twice a Year.

January 30, an Annual Fast. Cap. 10.

May 29, an Annual Holy-day. Cap. 11.

September 13, Annually to be kept 15 CAR. 2.
Holy. Cap. 14.

Minister, or Reader, of every Parish, 4 ANNÆ.
shall publish the Writ for Election Cap. 2.
of Burgeses, &c. at the Church, S. 2.
or Chapel, &c. and return the
same, with a Certificate of the
Publication, &c. on Penalty of
1000 lb. Tobacco. See Assembly.

The Person of a beneficed Minister Cap. 7.
exempted from being Tithable. S. 8.

An Act for the effectual Suppression Cap. 30.
of Vice, &c. See Religion.

This Act shall be read in all Church- S. 10.
es, &c. by the Minister, Clerk,
or Reader, of each Parish, imme-
diately after Divine Service, on
the First or Second Sunday in
April, and September, Annually,
on Penalty of 20 s. for every
Omission.

Clergymen, guilty of any Offences S. 11.
in this Act mentioned, liable to
further Punishment.

Duty, &c. of Ministers, &c. in Cap. 43.
publishing Banns, granting Cer-
tificates, &c. and celebrating the
Rites of Matrimony. See Mar-
riages.

Ministers, not neglecting or refusing S. 12.
to serve, shall have the Benefit
of all Perquisites, for Marriages,
or Funeral Sermons, in their Pa-
rish, altho' another be employed.

Ministers marrying white Persons Cap. 49.
with Negros, or Mulattos, for- S. 20.
feit 10000 lb. Tobacco, to the
Crown and Informer.

This Act to prevent the destroying 9 ANNÆ.
and murdering of Bastard Chil- Cap. 12.
dren, shall be read in all Church- S. 3.
es, &c. by the Minister, or Rea-
der, in May, Annually, on Penal-
ty of 500 lb. Tobacco, &c.

An Act for Registering Births, 12 ANNÆ.
Christnings, and Burials. Cap. 4.

Every Minister shall keep a Regis- S. 4.
ter of all Births, and Deaths,
and of Persons baptized, within
his Parish. Method of Registering.
Shall return a Copy of such Re-
gister

gifter to the Secretary's Office, in *April*, and *October*, Annually. Fee for every Person registred, 3 *lb.* Tobacco, leviable by Distress, &c. Failing to keep, or return, such Register, forfeits 200 *lb.* Tobacco *per* Month, &c. Shall read this Act in the Parish Church, in *March*, and *September*, Yearly, on Penalty of 200 *lb.* Tobacco for every Neglect, &c. In vacant Parishes, the Clerk shall keep, and return, such Register, and read this Act, &c. under like Penalties.

9 GEO. I. Every Minister of the Church of *England*, exempted from being listed in the Militia. Cap. 2. S. 4.

12 GEO. I. Every Clerk, or Reader, receiving from the Sheriff a Copy of Notice, &c. of Runaways committed to the County Goal, shall publish such Notice, &c. by setting up the same near the Church or Chapel, every *Sunday*, during 2 Months after the Date, &c. on Penalty of 200 *lb.* Tobacco. Cap. 4. S. 4.

1 GEO. 2. An Act for the better Support of the Clergy of this Dominion: And for the more regular collecting and paying the Parish Levies. Cap. 6.

S. 2. Every Minister shall receive in his Parish, a Salary of 16000 *lb.* Tobacco, and Cask, *per Annum*: To be paid convenient, before 31 *March*, Annually, in Hogheads containing 700 *lb.* nett Tobacco, at least. S. 3, 4. 7. 8.

S. 9. If the Vestry refuses to levy, or the Collectors fail, to pay the Tobacco levied, or any Part thereof, pursuant to this Act; such Vestry, or Collector, shall be liable to the Action of the Party grieved, for Damages.

S. 10. In Parishes, where Glebes are not already appropriated, with convenient Tenements for the Habitation of the Ministers, the Vestry may purchase 200 Acres of Land, for a Glebe, and may erect thereon, one convenient Mansion House, and other necessary Outhouses, at the Charge of the Parish.

Every Minister shall keep all the Buildings on his Glebe, in Tenantable Repair, (Accidents by Fire, or Tempests, excepted,) and shall so leave the same: Minister failing, and his Executors, &c. shall be liable to the Action of the Churchwardens, for Damages, &c. 1 GEO. 2. Cap. 6. S. 12.

COIN.

No Person shall export, in Money, above the Value of 40 *s.* &c. An Act for regulating and settling the Current Rates of Gold Coin, and of *British* Silver Coin, in this Dominion. 13 CAR. 2. Cap. 116. 1 GEO. I. Cap. 1.

British Gold Coin, not milled, and all Foreign Gold Coin, shall pass at 5 *s.* *per* Penny Weight; Guineas, at 26 *s.* each; and lesser Pieces proportionably. S. 2.

So much of this Act as relates to the Rates of Silver Coin, is repealed by the Act, 1 Geo. 2. Cap. 9.

Coiners, &c. guilty of High-Treason. S. 5.

Money Payments due before this Act, the King's Revenues, Officers Salaries, protested Bills of Exchange, *Sterling* Payments, and Debts contracted in *Great-Britain*, excepted out of this Act. S. 6.

Saving to the Roial Prerogative, of settling, &c. the Rates of Coins, by Proclamation. S. 7.

An Act for the better regulating and ascertaining the Current Rates of Silver Coin, within this Dominion; and for preventing the evil Practice of cutting Foreign Gold into Pieces. 1 GEO. 2. Cap. 9.

Silver Coins of *Mexico*, *Sevil*, *Pillar*, *Ducatoons*, *Louis* of *France*, and *Crusadoes*, shall be Current, at 4 *d.* *per* Penny Weight; *Pera* Pieces, and *Dollars*, 3 $\frac{1}{4}$ *d.* *per* Penny Weight; *English* Crowns, at 6 *s.* 3 *d.* *per* Piece; and smaller Coins, in Proportion. S. 2.

Persons refusing to receive Money, at these Rates, forfeit the Sum tendred: If under 20 *s.* recoverable before a Justice of Peace. S. 3.

If

- 1 GEO. 2. If His Majesty permits Copper Money to be brought in here, it shall be Current, at the Rates of *Great-Britain*: But no Person shall be compellable to take above 2 s. 6 d. in any one Paiment, nor above 1 s. in any Paiment under 20 s.
- S. 4. Cap. 9.
- S. 5.
- S. 6. Counterfeiting, debasing, &c. any of the Current Coins, or aiding, consenting, &c. Treason.
- S. 7. Monies already due, Paiments to the King, Officers Salaries, Bills of Exchange, Specialties for *Sterling*, and *English* Debts, excepted out of this Act.
- S. 8. Saving to His Majesty, Power of altering the Rates, by Proclamation.
- S. 11. No Gold Coin cut into lesser Pieces, shall pass in Paiments.

COLLEGE.

College of William and Mary.

- 4 ANN. The Duties on Skins and Furrs exported, appropriated for Maintenance of the College of *William and Mary*. The Collectors shall account with the Governors of the College, &c. See Customs.
- 9 GEO. 1. The President, Masters, Professors, and Students, of the College of *William and Mary*, for the Time being, exempted from being listed in the Militia.
- 12 GEO. 1. Out of the Duty of 1 d. per Gallon upon Wine and Spirits, 200 l. per Annum appropriated for Relief of the College of *William and Mary*, during 21 Years, payable by the Treasurer, Half-yearly, &c. to the Trustees, or the President and Masters of the said College, and their Successors, &c. or to the Visitors, and Governors, or their Order.

CONSTABLES.

- 4 ANN. Constables of *Bruton* Parish, may execute their Office in all Parts of *Williamsburg*, and Half a Mile Compass.
- Cap. 20. S. 3.

Duty of Constables in conducting Runaways, &c. See Servants and Slaves. 4 ANN. Cap. 49.

Duty and Reward of Constables, conducting Runaway Seamen; and Penalties on Escape, &c. See Ships. 9 ANN. Cap. 3. S. 2. 9.

Duty of Constables, in dispersing and apprehending Slaves unlawfully assembled, &c. See Servants and Slaves. 9 GEO. 1. Cap. 4. S. 12.

Duty of Constables, in conveying Runaways from the County Goals to the Keeper of the Public Goal. See Servants and Slaves. 12 GEO. 1. Cap. 4. S. 5.

All Constables shall be exempted from the Paiment of Public, County, and Parish Levies, for their own Persons. Ferry-keepers shall give immediate Passage to Constables, and their Assistants, charged with conducting Runaways, without charging such Constables, or Assistants, for the Ferriage, going, or returning. S. 7.

Constables may seize Tobacco brought from *North-Carolina*, or the controverted Bounds, &c. See Tobacco. Cap. 6. S. 3.

The Table of Constables Fees. Taking greater Fees, forfeits 2000 l. Tobacco, to the Party injured. 5 & 6 GEO. 2. Cap. 10. S. 3.

CORONERS.

The Table of Coroners Fees. Taking greater Fees, forfeits 2000 l. Tobacco, to the Party injured. Cap. 10. S. 3.

CORPORATION.

The Governor may, by Letters Patents, incorporate the Inhabitants of the City of *Williamsburg*, to be One Body Politic and Corporate, of the Mayor, Aldermen, &c. See *Williamsburg*. 4 ANN. Cap. 43.

The Governor, with Advice of Her Majesty's Council, may, by Charter or Grant, incorporate Discoverers of *Indians*, situate Westward of the Mountains, to be One Body Politic and Corporate, with sole Liberty of Trade, &c. for 14 Years. S. 13, 14.

- 1 GEO. 1. When the *Virginia Indian* Compa-
ny shall be incorporated, &c.
C. P. 3. they shall pay 100*l.* to the
S. 4. Treasurer, towards reimbursing
the Monies expended, in Pursu-
ance of the Act, for erecting a
Magazine.

COUNTIES.

- 13 CAR. 2 Seal'd Weights and Measures shall
Cap. 63. be provided for every County, at
S. 3. the Charge of such County, &c.
- 18 CAR. 2. An Act commanding Law Books to
Cap. 22. be provided for each County.
See Courts.
- 4 ANNÆ. The Freeholders of every County
Cap. 2. shall have Privilege of choosing
S. 1, &c. 2 of the most fit and able Men of
such County, to act and vote as
Burgesses in the General Assem-
blies. Burgesses Wages, Ferriages,
&c. shall be paid by their respec-
tive Counties, &c. *See Assembly.*
- Cap. 10. A Prison, Pillory, Whipping-Post,
Stocks, and Ducking-Stool, shall
be erected, and kept in Repair,
in every County, at the County
Charge.
- Cap. 17. On a Division of Frontier Counties,
800 Tithables, at least, shall be
in the Upper County; and the
Charge of Public Buildings equal-
ly divided, &c. *See Frontiers.*
- Cap. 39. Bridges shall be erected, and kept
S. 7. in Repair, at the County Charge;
and where a Bridge joins Two
Counties, both shall equally con-
tribute.
- 7 GEO. 1. Rewards for killing Wolves, shall
Cap. 6. be paid by the County where,
S. 2. &c. and repaid by the Public.
- 8 GEO. 1. Where Two Counties are divided
Cap. 7. by a River, or Creek, both shall
S. 2. contribute towards the Charge of
Clearing, &c. in Proportion to
the Number of Tithables in each
County: But where a River, &c.
S. 4. is in One County only, such
County shall bear the Charge.
1. Prison Fees for insolvent Debtors
shall be paid by the County, for
the first 20 Days.
- The Table of Secretary's Fees,
chargeable to the respective
Counties.

COURTS.

General Court. County Court.
Clerks. Court of Claims, &c.

- County Courts to take Care that 13 CAR. 2.
Orphans Lands be not alien'd, Cap. 67.
fold, &c. during Minority, nor
let, &c. for longer Term than
'til the Orphan be of Age, &c.
- Law Books to be provided for each 18 CAR. 2.
County Court, and paid for, out Cap. 22.
of the County Levy. S. 2.
- An Act empowering County Courts 20 CAR. 2.
to build Work-houses, assisted by Cap. 5.
the Vestries.
- County Courts to bind out poor 24 CAR. 2.
Children to Trades. *See Vaga-* Cap. 7.
bonds. S. 2.
- An Act prohibiting the Justices of 26 CAR. 2.
the several County Courts, for Cap. 4.
levying Tobaccos upon the Peo-
ple, for their Accommodation and
Expences, whilst they are keep-
ing Court.
- No County to pay for the Accom- S. 2.
modation of the Justices.
- At every Election of Burgesses, the 4 ANNÆ.
Sheriff of each County shall, by Cap. 1.
Proclamation, publish the Time S. 15.
for a Court to be held, for re-
ceiving Propositions and Grievan-
ces, and Public Claims, which
shall be certified to the Assembly,
and delivered to the Burgesses.
- Court of Claims, &c. shall be pub-
lished and held, before every
Session. *See Assembly.*
- Every County Court, Annually, Cap. 3.
between 31 *January*, and 31 S. 1.
March, shall recommend Three
Justices to the Governor, who
shall commissionate One of them
to be Sheriff of that County for
the Year ensuing. *See Sheriffs.*
- The Person commissionated, shall, S. 4.
before he be admitted to take the
Oath of Sheriff, &c. give Bond
and Security, &c. in his County
Court, in the Sum of 1000*l.*
Sterling, &c. Vide ut ante.
- County Courts to adjudge the Age Cap. 7.
of every Child imported; and if S. 3.
the Owner, &c. neglect to bring
such Child before the Court, it
shall

shall be accounted immediately Tithable.

^{4 ANNÆ.} County Courts shall appoint Precincts, and Annually, a Justice of Peace to take a List of Tithables in each Precinct, on *June* 10. Which List shall be return'd to *August* Court, and set up in the Court-house. See Levies.

Cap. 8. Before every Session of Assembly, the Sheriff shall appoint the Day for holding a Court in each County respectively, for Proof of Public Claims. Sheriff, or Clerk, failing to attend, forfeits 1000 *lb.* Tobacco, &c. Justices failing, &c. 500 *lb.* Tobacco. How Public Claims shall be proved, certified, returned, &c. This Act shall be read by the Clerk, at the opening every Court of Claims, &c. See Public.

Cap. 9. County Court shall admit the Sheriff to be Collector of Public and County Levies, taking Bond and Security in Double the Sum of the Levies. On Refusal, &c. the Court may appoint any other Person, &c.

S. 8, 9. If any Public, or County Creditor be unpaid, by the Sheriff, &c. in *March*, Court may, upon Complaint, give immediate Judgment and Costs, without other Process.

Cap. 10. Every County Court shall cause to be erected and kept in Repair, &c. a Prison, Pillory, Whipping-Post, and Stocks, at the County Charge. Penalty on every Magistrate failing, &c. 500 *lb.* Tobacco, and liable for Damages, &c. upon any Escape. General Court to award Judgment, &c. for the Penalty. County Courts may erect Ducking-Stools, and mark out Prison Bounds, not exceeding 10 Acres. Prison Rules shall be recorded, and the Marks renewed from Time to Time.

Cap. 12. County Court Clerks shall not issue Certificate for a Pass, &c. until 10 Days after Public Notice, set up at the Court-house, &c. of such Persons intending to depart the Colony, &c. Form of the

Certificate. Shall register all Certificates by him issued. See Transportation.

County Courts may award Execution against Hog-stealers; saving Liberty of Appeal to the General Court.

An Act for establishing the General Court, and for regulating and settling the Proceedings therein.

The General Court of *Virginia* established, consisting of the Governor and Council, for the Time being; any 5 of them to be a *Quorum*.

Justices of the General Court shall take the Oaths appointed by Act of Parliament, &c. Persons sitting, or acting, as Justices of the General Court, before taking the Oaths, &c. forfeit 500 *l.* Sterling, to the Crown, and Informer.

But if any of the said Oaths shall be altered or repealed, by Act of Parliament, such Alterations shall extend to this Colony.

The Authority and Jurisdiction of the General Court.

No Original Process shall be brought in the General Court, for less than 10 *l.* Sterling, or 2000 *lb.* Tobacco, on Penalty of a Nonsuit, and Payment of Costs.

But County Courts, or Vestries, may be sued for Breach of Penal Laws, altho' the Forfeiture be of less Value.

General Courts shall begin *April* 15, and *October* 15, Annually; each Court shall continue to be held 18 Days, *Sundays* exclusive. But if Business is ended in less Time, the Court may be adjourned.

Other Oaths to be taken, &c. Oath of a Judge. Oath of a Judge in Chancery.

All Original Process, and Judicial Proceedings, &c. shall be issued from, and returnable to the Secretary's Office.

Process against a Councillor, shall be by Summons; on Failure of Appearance, Attachment, &c. The like against a Sheriff, directed to the Coroner, &c.

Judges

4 ANNÆ.
Cap. 19.
S. 17, 18.

Judges of the General Court, Justices of Peace, and other lawful Officers, may apprehend Criminals and bind them to appear at the General Court.

S. 19. Criminal Process shall be returnable to the Fourth Day of the Court.

S. 20, 21. Days of issuing, executing, or returning Writs, &c. filing Declarations, &c. shall be accounted, exclusive of the Number of Days limited by Law, &c.

S. 22. Sheriff shall return Bail, &c. See Bail.

S. 23. Where the Defendant fails to appear, the Bail, &c. may not have an Imparance, &c. See Attachment.

S. 24, 25. Bail, or Sheriff, shall not be discharged, by the Defendant's Appearance, unless Special Bail be entered, &c. May have Remedy by Attachment, against the Defendant's Estate, &c. See Bail.

S. 26. Clerk of the General Court shall preserve, and file together, all the Papers of every Cause. Pleadings and Judgments in Land Causes, shall be entered at Large, in particular Books, &c. Suits against County Courts, or Vestries, may be brought against all the Justices, or Vestrymen, jointly. The Proceedings of Court, shall be daily drawn up at Large, read, and corrected, in Court, sign'd by the Secretary, or his Deputy, and preserved among the Records.

S. 28, &c. Summons for Witnesses shall be issued by the Clerk, &c. In Case of Inability, &c. to attend, &c. a *Dedimus* may be granted by the Court, or any Two of the Justices, &c. Witnesses refusing to give Evidence, &c. shall be committed, &c. Failing to attend, forfeit, 1000 lb. Tobacco, &c. See Evidence.

S. 32. Three Witnesses shall be allowed for Proof of one particular Fact.

S. 33, &c. For correcting erroneous Judgments of inferior Courts, Appeals may be made to the General Court, &c. Days of Appeal, &c. Superseas

shall be in the same Manner, &c.

See Appeals.

The General Court, and the respective County Courts, the only Courts of Record in this Dominion.

4 ANNÆ.
Cap. 19.
S. 39.

County Courts may, &c. appoint Inspectors to examine the Surveyors Books. On the Death or Removal, of the Surveyor, may take his Books, to be preserved among the Records, or let to the next Surveyor, &c. who shall be sworn for the safe keeping, &c.

Cap. 22.
S. 11, 12.

County Courts shall order Summons for 24 Freeholders to appear, at *May*, and *November* Courts, Yearly, and impanel a Grand-Jury, &c. All Civil Causes, in the General and County Courts, shall be tried by a Jury of 12 Men, &c. Criminal Causes, by a Petit Jury, &c. See Juries.

Cap. 32.

Where no Person will administer an Estate, Courts may appoint the Sheriff to take Possession. Duty of Courts, and Method of securing Orphans Estates, &c. See Orphans.

Cap. 33.

Justices of any Court, granting Administration, &c. or Guardianship of an Orphan's Estate, and failing to take good Security, liable for such Estate, &c. Securities apprehending themselves in Danger, may petition, &c. for Relief, &c.

S. 16.

Duty of Courts summoned for Examination of Criminals, committed by a Justice of Peace, and triable before the General Court. See Criminals.

Cap. 38.
S. 1.

Where the Surveyor, &c. cannot make a Bridge, the County Court shall cause it to be erected, and kept, at the County Charge, &c.

Cap. 39.

County Courts may order the Alteration of Old, or making New Roads. Shall Annually appoint Surveyors of Highways, and Persons, to clear Rivers and Creeks, on Penalty of 2000 lb. Tobacco to the Informer. See Ways.

County

4 ANNÆ. County Courts may grant Ordinary
Cap. 40. Licences, to Persons qualified,
S. 4. &c. as this Act directs, taking
Security, &c. See Ordinaries.
S. 7. Shall, Annually, in *March*, set
the Rates of Liquors, &c. on
S. 8. Penalty of 5000 *l.* Tobacco. If
no Court be held in *March*, then
at the next Court.

Cap. 41. County Courts, upon Petition of
S. 1. any Person, having Land on one
Side of a Run, and intending to
build a Water-Mill, may appoint
Two Commissioners, &c. to view,
and value an Acre of Land, on
the opposite Side: And, if it take
not away Houses, Orchards, or
other immediate Conveniences,
to put the Petitioner, paying
down the Valuation Money, in
Possession, &c.

Cap. 48. Duty, &c. of County Court Clerks,
in issuing Marriage Licences. See
Marriages.

Cap. 49. County Courts to adjudge the Age
of Christian Servants, imported
without Indentures: Shall re-
ceive Servants Complaints against
their Masters, &c. by Petition,
without other Process; and, upon
such Petition, order Servants Wa-
ges, Allowances, Freedom, &c.

S. 21. Servants shall have their Freedom
recorded, &c. in the County
Court, and take a Certificate
from the Clerk, &c.

S. 37. County Courts may punish outlying
Slaves, apprehended, &c. after
Proclamation, by dismembring, or
any other Way, not touching Life.

S. 39. Court of Claims shall value Slaves
killed, in Pursuance of this Act,
or executed by Law, in Money;
and the Clerk shall certify such
Valuation to the Assembly.

Cap. 53. County Courts may appoint Fer-
ries, at Landings opposite to
those settled by this Act; and ap-
point Ferry-Keepers, &c. May
agree for Ferriage of the Militia,
on Muster Days; but not to ano-
ther County, &c. See Ferries.

9 ANNÆ. An Act to explain Part of an Act,
Cap. 4. &c. intituled, *An Act for estab-
lishing the General Court; and
for regulating and settling the
Proceedings therein.*

The Act, for establishing the Gene- 9 ANNÆ.
ral Court, &c. not intended to Cap. 4.
abridge, &c. the Roial Preroga- S. 2.
tive, of erecting other Courts of S. 3.
Record: Or of receiving Appeals,
&c. from the Judgment of the
General Court.

An Act for establishing County Cap. 11.
Courts, and for regulating and
settling the Proceedings therein.

A Monthly Court shall be held in S. 1.
every County, by Justices of the
Peace, commissioned by the
Governor, &c. Any Four of
them (*Quorum unus*) shall be a
Court. Persons commissioned, S. 2.
&c. executing the Office of a
Justice of Peace, before taking
the Oaths, &c. forfeit 300 *l.*
Sterling, &c.

County Courts shall be held on the S. 4.
respective Days by this Act ap-
pointed. Shall not be adjourn- S. 5.
ed, but only to the Court in
Course; unless Business depend- S. 6.
ing cannot be determined on the
Court Day; and then the Just-
ices may adjourn *de Die in Diem*.
Shall have Jurisdiction of all Mat- S. 7.
ters, at Common Law, or in
Chancery, except Criminal Pro-
cess, for Life, or Member, Pro-
cess of Outlawry, and Matters of
less Value than 20 *s.* *Sterling*, or
200 *lb.* Tobacco. But if, upon S. 8.
Suit brought, the Ballance found
be less, &c. yet Plaintiff shall
have Judgment for such Bal-
lance, &c.

Rules for Issuing, Executing, and S. 12, &c.
Return of Process in the County
Courts.

Clerk of the Court shall file and S. 16.
preserve all Papers, &c. Plead-
ings in Land Causes shall be in
Writing, &c. Pleas of the Crown
shall be recorded in particular
Books, &c. Before adjourning
the Court, the Minutes, &c.
shall be read by the Clerk, cor-
rected, sign'd by the First in Com-
mission then present, and filed
upon Record, &c.

Court may rule the Defendant to S. 17.
give Special Bail, &c. See Bail.

For

- 9 ANNÆ. For preventing Delays, &c. if the
Cap. 11.
S. 19. Declaration is good in Substance,
the Suit shall not abate for Want
of Form.
- S. 20. Process shall not be discontinued,
altho' the Court be not held in
due Course, &c. See Process.
- Rules for Witnesses. See Evidence.
The Court, or 2 Justices, *Quorum*
unus, may grant *Dedimus*, for
examining Witnesses disabled,
&c.
- S. 22. Rules for Appeals. See Appeals.
- Cap. 13.
S. 31. &c. Duty of County Courts, &c. in
ordering Lands to be procession-
ed every Fourth Year, and Pe-
nalties on Neglect, &c. See Land.
- 10 ANNÆ. County Courts have Jurisdiction in
Cap. 2.
S. 1. all Matters Testamentary; may
take Proof of Wills, grant Cer-
tificate of Probat, &c. May de-
termine the Right of Administra-
tion, &c. Executor, &c. dying
S. 3. intestate, &c. the same Court
that granted Probat, &c. to such
Executor, &c. may commit Ad-
ministration of the Goods not ad-
ministred, &c. If no Will is
S. 6. exhibited, &c. at the Court
held next after the Expiration
of 30 Days, from any Person's
Death, the Court may grant Ad-
ministration to whom they think
fit. May summon and compel
any Person to produce the Will,
&c. Shall administer Oaths, and
take Bond and Security, &c. of
Executors, and Administrators.
S. 16. Shall appoint Appraisers, &c.
- S. 23. General Court may grant Pro-
bat, &c. of Estates of 50 l. Va-
lue, &c. in divers Counties, &c.
Shall take Security, &c. or be
liable, &c. on Suits, &c. for
Debts contracted by the Testa-
tor, &c. For Commodities to
be paid in Specie, the Court, &c.
shall give Judgment for the Va-
lue, in Money, &c. See Wills.
- S. 22. Wills shall remain among the Re-
cords of the Court, where pro-
ved.
- S. 28. County Court Clerks shall, in *April*,
and *October*, Yearly, return to
the Secretary's Office, a List of
Certificates, granted in their res-

- pective Courts, for Probats, or
Administrations, &c.
- County Courts may compel Guar- 11 ANNÆ.
dians to give Security for Pai- Cap. 4.
ment of Quit-Rents, accruing S. 2.
due for the Lands of any Orphan,
&c.
- County Courts may appoint Rol- Cap. 5.
ling-Houses, and Public Land- S. 4. &c.
ings, on any Persons Land, &c.
If the Owner, &c. refuses to
build, &c. may order Half an
Acre to be valued, &c. See Ri-
vers.
- County Courts, upon Application 7 GEO. 1.
to them made by the Patentee, Cap. 3.
&c. may appoint Two or more S. 4.
indifferent Persons, to value the
Improvements, &c. made by the
Petitioner, &c.
- County Courts shall levy the Re- Cap. 6.
wards for Wolves Heads, &c. S. 3.
The Clerk of every Court shall S. 6.
certify the Claims, &c. to the
next Session of Assembly.
- If the County Courts find any Rol- Cap. 7.
ling-House at inconvenient Dis- S. 2.
tance from the Landing, they
may discontinue such, order new
Houses to be built convenient,
and shall be invested with Pow-
er, &c. of coming at the Land,
&c.
- County Courts may appoint Boats Cap. 8.
to be kept at Ferries, for Tran- S. 4.
portation of Wheel-Carriages.
- The Governor and Council may 8 GEO. 1.
hold Court, for Trial of Offen- Cap. 3.
ders against this Act, *For enfor-* S. 4.
cing and rendring more effectual
the Treaties already made, or
hereafter to be made, with Fo-
reign Indians: And may mitigate, S. 6.
or remit, the Punishments, &c.
- If a River, or Creek, divides Two Cap. 7.
Counties, the Court of each Coun- S. 2.
ty shall contract with Undertak-
ers for the Clearing, &c. But S. 4.
where a River, &c. is in One
County only, the Court of such
County shall contract, &c.
- Persons commissioned by the Go- 9 GEO. 1.
vernor, may hold Courts of Oy- Cap. 4.
er and *Terminer*, for the Arraign- S. 3. &c.
ment and Trial of Slaves com-
mitting Capital Crimes, &c. See
Servants and Slaves. If

- 9 Geo. 1. If a Slave is killed in dispersing unlawful Assemblies, Pursuit of Rebels, or Seizure of Arms, &c. the Court of that County where such Slave shall be so killed, upon Application made by the Owner, and Proof, shall value such Slave, in Money, and return such Valuation to the next Session of Assembly.
Cap. 4.
S. 16.
- 12 Geo. 1. Writs of *Fi. fa. Elegit*, and *Ca. sa.* shall be issued in the King's Name, bear Teste by the Clerk of the Court where the Judgment was given, returnable to the same Court, at the next succeeding Court, so as there be at least 15 Days between the Teste and Return, directed to the Sheriff. If the first Writ be not returned executed, the Clerk, at the Costs of the Party requiring the same, may issue another. If *Non est inventus* return'd upon a *Ca. sa.* the Clerk may issue a *Fi. fa.* Or if *Nihil* return'd upon a *Fi. fa.* or Part of the Debt levied, a *Ca. sa.* may issue upon the same Judgment; and where Part is levied upon an *Elegit*, a new *Elegit* for the Residue; and if *Nihil* return'd upon any *Elegit*, a *Ca. sa.* or *Fi. fa.* may issue, and *vice versa*. Upon a Judgment against several, one Sort of Execution shall issue, as against one Defendant.
S. 9.
- S. 19. If the Sheriff returns upon a *Fi. fa.* that Goods remain in his Hands, for Want of Buyers, the Clerk shall issue the Writ of *Venditioni exponas*.
- S. 21. Upon Judgments obtain'd in inferior Courts of Record, against any Person removed out of the Jurisdiction of such Court, the Clerk may issue a *Fi. fa.* or *Ca. sa.* directed to the Sheriff of any County, in this Colony, where the Debtor, or his Goods, shall be found, returnable to the Court where the Judgment was given.
- S. 24. If Escape of a Prisoner in Execution, be proved, upon Oath, in Writing, by one or more Witnesses, before one of the Judges of

that Court, whence the Execution issued, such Judge shall grant one or more Warrants, under his Hand and Seal, to any Person requiring; therein reciting the Executions, with which the Person escaping stood charged; and commanding all Sheriffs, Maiors, Bailiffs, Constables, and Head-boroughs, in their respective Counties, Cities, Towns, and Precincts, to seize and retake such Person, so escaped, and being so retaken, to commit to the Prison where Debtors are usually kept, in the County where so retaken, there to remain, without Bail or Mainprize, until discharged by due Course of Law, &c.

Insolvent Prisoners, in Execution, having remained in Prison 20 Days, may, upon their Petition, be brought before the County Court, and discharged, &c. See Insolvent Debtors.
12 Geo. 1.
Cap. 3.
S. 30.

County Courts impowered to hear and determine Complaints of Masters against their Servants, imported as Tradesmen; and found ignorant, or refusing to work, &c. may order Satisfaction to the Master, by lessening, or taking away, such Servant's Wages, or by ordering further Service, &c. as to them shall seem just.
Cap. 4.
S. 23.

An Act, for preventing Delays in Courts of Justice; for expediting and better settling the Proceedings in the General Court; and for the more speedy and easy Recovery of small Debts; and for repealing an Act, for obliging Attornies, prosecuting Suits on Behalf of Persons out of the Country, to give Security for paying all Costs and Damages; and declaring, in what Manner such Security shall be hereafter given.
After 15 April, 1728, all Process in the General Court shall bear Teste by the Governor, and be signed by the Clerk. How to be executed, and returned. See Process.
1 Geo. 2.
Cap. 3.
S. 2.

1 GEO. 2. Rules for Appearance, and Bail.
Cap. 3. See Bail.

S. 3. Defendant in Custody, shall be admitted to plead, but shall not be discharged, unless the Plaintiff be ruled to accept an Appearance, or by putting in Bail.

S. 8. Rules for Proceedings upon Attachments. See Attachment.

S. 12. Method of Proceedings in Personal Actions at the Common Law.

When any Cause shall be finally determined, the Clerk shall make a perfect Record of all Matters relating thereto, in a Book to be kept for that Purpose.

Allowance to Witnesses at the General Court, how, and by whom grantable. See Evidence.

S. 14. No Appeal shall be allowed, or Superedeas granted, for reversing any Judgment, where the Debt or Damage recovered, exclusive of Costs, shall not exceed 5 l. Current Money, or 1000 lb. Tobacco; unless the Title, or Bounds of Land, shall be in Question.

S. 16. Method of Proceedings in the General Court, in Chancery. Every Defendant may swear his Answer before any Magistrate. Commissions to examine Witnesses, may be issued by the Clerk, at any Time. Upon Oath made, that any of the Complainant's Witnesses are aged, infirm, or going beyond Sea, &c. the Clerk may issue a *Dedimus*, to take such Witnesses Testimony, *de bene esse*, giving Notice, &c.

S. 17. Rules for Witnesses, at the County Court. See Evidence.

County Court Clerk to issue Summons for Witnesses, on any Survey of Lands, ordered by the County Court; may issue such Summons, directed to the Sheriff, &c. of any other County, where such Witness resides.

S. 23. Attachment executed, and not replevied, Plaintiff shall have Judgment, and the Goods shall be sold, as Goods taken upon a *Fieri Facias*.

S. 25. The several Statutes of Jeofails, for so much as relates to any

Mispleading, Jeofail, and Amendment, shall be in Force in this Dominion.

Debts, of the Value of 20 s. Sterl. 1 GEO. 2.
or 200 lb. of Tobacco, and not exceeding 5 l. Current Money, or 1000 lb. Tobacco, shall be recoverable by Petition to the County Court. Upon such Petition filed in the Office, a Summons shall be issued by the Clerk, returnable to the next Court; which, with a Copy of the Petition, served upon the Defendant, or left at his Place of Abode, 10 Days before such Court-Day, to be proved upon Oath, if the Defendant fails to appear, the Court may hear and determine the Cause, and grant Judgment, and Execution: If the Defendant appears, he shall plead to Issue immediately; and thereupon the Court shall instantly proceed to Trial, in a summary Way, upon such Evidence as shall be given, and grant Judgment according to the Right of the Cause, without Regard to Form. The Clerk to issue Summons for Witnesses, &c. S. 18.

Attornies for Persons out of this Colony, shall give Security. See Attornies. S. 19.

This Act shall continue in Force to 15 April, 1732, and from thence to the End of the next Session of Assembly. Made perpetual by 5 & 6 Geo. 2. Cap. 5. S. 30.

County Courts shall order Roads to be made from Iron-Works to the nearest convenient Landing, &c. See Mines. Cap. 12.

An Act for the better and more effectual putting the Penal Laws in Execution. Cap. 13.

Grand Juries may present, and County Courts determine Offences, altho' the Penalty be less than 20 s. or 200 lb. Tobacco. S. 2.

After 15 April, 1728, Presentments of a Grand Jury, where the Penalty does not exceed 5 l. or 1000 lb. Tobacco, need not be drawn up in other Form; but the Court shall order Summons, &c. S. 3.

&c. and thereupon determine the Cause in a summary Way.

1 GEO. 2. Cap. 13. S. 4. Upon a Demurrer joined, the Court shall give Judgment, according to the Right of the Cause, without regarding any Defects; except particularly assigned as Causes of Demurrer.

S. 5. After Verdict, in any such Action, the Judgment shall not be stay'd, or reversed, for Default, or Want of Form in any of the Proceedings, or for insufficient Return, misjoining Issue, &c.

5 & 6 GEO. 2. Cap. 5. S. 2. S. 3. The Act of 1 Geo. 2. Cap. 3. made Perpetual.

Any Judge of the General Court authorised, when Court is not fitting, to take Bail, *de bene esse*; and if Exception be taken to the Insufficiency of the Bail, Notice be given thereof, to the Defendant, or his Attorney, 10 Days before next General Court: And if Bail be judged insufficient, Recognisance to be discharged; and such Proceedings may then be had, as if no Bail had been taken: But if Bail shall be judged sufficient, or not excepted to, within the 10 Days, then Bail to stand, and be chargeable, as if Recognisance had been taken in Court.

S. 4. On a Plea in Abatement over-rul'd, Defendant to pay full Costs, Lawyer's Fees excepted. Plaintiff, in Replevin, or Defendant, in other Action, with Leave of the Court, may plead several Matters; but not to plead and demur to the Whole.

Cap. 8. S. 2. In all Suits for Goods or Merchandises sold, upon Trial, if the Plaintiff declares on Oath, or Affirmation, that the Matter in Dispute, is a Store Account; and that he has no Means to prove the Delivery of the Articles, but by the Store-Book; such Book to be given in Evidence, and allowed, for all Articles, within 18 Months before Action brought. Executors or Administrators may give Store-Book in Evidence, upon making Oath, that there are no Witnesses to prove the Delivery of the Goods.

Defendant may contest the Plaintiff's Evidence by other legal Evidence. Defendant being Executor, or Administrator, may give in Evidence his Testator or Intestate's Books, where Plaintiff is Executor, or Administrator.

No Book of Accounts to be admitted in Evidence, for Goods sold, or Work hereafter to be done, above Three Years before Action brought; except in Case of Merchants residing beyond Sea, or where the Accounts are stated and signed by the Parties.

Debts now due for Goods heretofore delivered, Plaintiff may give his Store-Book in Evidence, within 18 Months from the making the Act. Executors, or Administrators may give like Evidence, as before directed.

The Table of County Court Clerks Fees. Every Clerk shall cause to be set up, and kept, in the Court-house of his County, a fair Copy of his Table of Fees, on Penalty of 1000 *lb.* Tobacco, for every Day such Copy shall be missing. Taking greater Fees, forfeits 2000 *lb.* to the Party injured.

Before 25 November, Annually, the Clerk of every County Court shall deliver to the Sheriff of each County, the Accounts of Fees due to him in such respective County, and shall sign such Accounts. The Sheriff, on or before the Last of May, Annually, shall account for such Fees. In Case of Failure, upon Motion made by the Clerk, in the next succeeding General, or County Court, such Court may enter up Judgment, and award Execution against such Sheriff. Ten Days Notice of such Motion to be given, &c.

In every Cause where the Plaintiff shall recover, or be nonsuit, or where his Suit shall be dismiss'd, the County Court shall allow 15 *s.* or 150 *lb.* Tobacco, for an Attorney's Fee, if the Plaintiff employed one; except against Executors or Administrators.

Y y y 2

CRIMINALS.

5 & 6
GEO. 2.
Cap. 8.
S. 3.

S. 4.

S. 5.

Cap. 10.
S. 4.

S. 5.

S. 7.

S. 8.

S. 9.

CRIMINALS.

Criminal Prosecution.

- 18 CAR. 2. Cap. 13. An Act for Criminals to bear their own Charges.
- S. 2. Charges of Prosecution shall be paid out of the Delinquent's Estate; but if no such Estate can be found, by the Public.
- 4 ANNÆ. Cap. 19. S. 19. All Criminal Proceſs ſhall be returnable to the Fourth Day of the General Court.
- Cap. 32. S. 6. Criminal Causes ſhall be tried by a Petit Jury. See Juries.
- Cap. 38. An Act for removing Criminals from the Goals of the Counties where they ſhall be apprehended, to the Public Goal, at *Williamsburg*.
- S. 1. Juſtice of Peace committing a Criminal to the County Goal, for Offences triable in the General Court only, ſhall require the Sheriff to ſummon a Court, to be held, not leſs than 5, nor above 10 Days after the Date of the Warrant of Commitment. If, upon Examination, it appears to the Court, that the Priſoner ought to be tried before the General Court, Two Juſtices (*Quorum unus*) may remove ſuch Criminal to the Public Goal; and impower the Sheriff to impreſs Guards.
- S. 2, 3. If the Offence is bailable, the Priſoner ſhall not be removed in leſs than 20 Days; and may be bailed afterwards.
- S. 4, 5. Sheriff, or Clerk of the General Court, ſhall ſummon the Priſoner's Witneſſes, if required. Keeper of the Public Goal may impreſs Guards, &c.
- S. 6. Sheriffs and Goalers Fees. See Fees. Method of Proceſs, Trial, and Valuation of Slaves, committing capital Crimes. See Servants and Slaves.

CUSTOMS.

Collectors. Naval-Officers. Duties.

- 32 CAR. 2. Cap. 3. An Act for raiſing a Public Revenue, for the better Support of

this His Maſteſty's Colony of *Virginia*.

- Duty of 2 s. per Hogſhead upon Tobacco exported. See Tobacco. 32 CAR. 2. Cap. 3. S. 2.
- Fifteen Pence per Ton, upon Shipping. See Ships. S. 3.
- Six Pence per Poll, for every Perſon imported, not being a Mariner, in actual Pay.
- Every Maſter of a Ship, &c. ſhall deliver his Boatwain's Book, upon Oath, to the Collectors. Penalty for concealing any Part of his Freight, or Number of Paſſengers, or for falſe Entry of the Ship's Burthen, 100 l. and treble Duties. Shall give Bond for paying the Duties of Tobacco entred in *England*, more than ſhall be entred and paid for in *Virginia*, &c. S. 4.
- All former Duties repealed. S. 6.
- Privileges of *Virginia* Owners, granted by the Acts, 13 Car. 2. Cap. 134. and 21 Car. 2. Cap. 5. confirmed. S. 7.
- An Act for preventing Frauds in the Customs, and in Clearing of Ships; for aſcertaining Collectors and Naval Officers Fees; and to prohibit and prevent the caſting of Ballaſt, and dead Bodies, into Rivers, and Creeks. 4 ANNÆ. Cap. 27.
- No Ship, &c. ſhall break Bulk, or take on Board Goods for Exportation, before Entry made, and Bond and Security given by the Maſter. The ſeveral Sums of the Bonds. Oath to be taken by the Maſter. All Duties for Goods exported, ſhall be paid before Clearing. On Suſpicion of Fraud, or Concealment, Naval Officer, or Collector, may examine the Mariners upon Oath. Collectors, and Naval Officers Fees. *Virginia* Owners ſhall only pay Half Fees. Collector, or Naval Officer, taking other or greater Fees, forfeits, for the firſt Offence, 100 l. to the Queen, and Party injured: Second Offence, for ever diſabled in his Office, and 20 l. to the Informer. Perſon injured failing to proſecute, in 3 Months, any other Perſon may. S. 2, &c. S. 7, &c.

may. Prosecution in 12 Months. Collectors, and Naval Officers, shall set up, and keep, in their Offices, a Table of their Fees, given by this Act.

4 ANNÆ. Masters of Ships, &c. shall not permit Ballast, or dead Bodies, to be cast into the Water, on Penalty of 10 l. See Ships. Cap. 27. S. 13.

Cap. 29. An Act for laying an Imposition upon Skins, and Furrs; for the better Support of the College of William and Mary, in Virginia.

S. 1, &c. Duties on Hides, Skins, and Furrs, exported. See Hides. The Duties appropriated for Maintenance of the College of William and Mary; and to be paid before the Goods are shipped off, by the Exporter, who shall take a Certificate from the Collector; on Penalty of Forfeiture of the Goods. Collectors shall account with the Governors of the College, &c. Shall be allowed 6 per Cent. Salary.

Cap. 47. Collectors, and Naval Officers, shall give Notice of Embargos, to all Masters of Ships, &c. in their respective Districts.

9 ANNÆ. Naval Officers may pay the Rewards for taking up Runaway Seamen, out of the Revenue of 2 s. per Hogshead, until reimbursed, &c. See Ships. Cap. 3. S. 8.

Cap. 5. An Act for raising a Public Revenue, for the better Support of the Government of Her Majesty's Colony and Dominion of Virginia.

S. 1, &c. Duty of 2 s. per Hogshead, Box, Chest, Case, Barrel, or 500 lb Bulk Tobacco, exported. 1 s. 3 d. per Ton, upon Shipping. 6 d. per Poll, upon Passengers, Servants, and Slaves, imported. (Note, These are not additional Duties; but the same that were before laid by the Act, 32 Car. 2. Cap. 3.) Vide ut ante.

S. 11. Ten per Cent. Discount for paying the whole Duties of a Ship in one entire Sum.

S. 8. Ship Master making short Entry of their Number of Persons imported, forfeits 10 l. &c.

The Duties shall be paid, to Collectors, &c. Their Salary, 10 per Cent. 9 ANNÆ. Cap. 5. S. 9, 10.

Virginia Owners exempted from the Duties of 2 s. per Hogshead, &c. and 1 s. 3 d. per Ton. But Proof of the Property shall be made, by the Oath of One of the Owners, before the Governor, or General Court, and certified to the Collectors. S. 12, 13.

Masters of Ships, &c. shall, before Entry, give Bond, and make Oath, that they will not crop, cut, injure, &c. any Tobacco Cask, freighted on Board, &c. If any Naval Officer grants a Permit to load, &c. before such Bond given, and Oath made, he forfeits 200 l. Sterling, &c. Cap. 8. S. 2.

An Act for laying a Duty on Liquors. See Liquors. 12 GRO. 1. Cap. 1.

Officers of the Customs shall administer an Oath to every Master of a Ship, &c. at, and before his Clearance, that he will not transport, any Person, without a Pass, &c. See Ships. Cap. 4. S. 18.

Five per Cent. on the Value of each Slave imported and sold, to be paid by the Buyer, within 40 Days after Sale, if Slave then living. Penalty for Non-payment, or Concealing, 5 l. Current Money. Collector to give a Receipt, when Duty paid. S. 5 & 6 GRO. 2. Cap. 3. S. 2.

Slaves sold for Sterling Money, to advance 20 per Cent. for the Difference. S. 3.

Slaves sold for Tobacco, or other Commodity, to be valued in Current Money, and Duty paid accordingly. S. 4.

Seller to receive the Duty for all Slaves sold to Persons not Inhabitants of this Colony; and to pay the same to the Collector, on Penalty of 5 l. for each Slave. S. 5.

No Duty on any Slave born here, or imported before the passing of this Act, or for which the Duty has been once paid. S. 6.

Inhabitants of this Colony exporting Slaves within 12 Months after Purchase, to draw back the whole Duty paid on Importation. S. 7.

No

5 & 6 No Drawback for Slaves carried by
Geo. 2. Land or Water, into North-
Cap. 3. Carolina.
S. 9.

S. 11. Seller of Slaves, to give a List to the Collector, within 3 Months after Importation, of all Slaves sold, to whom, when, and at what Price, and what remain unsold; the like Account to be given, within 20 Days after Sale. Purchaser of Slaves, after 40 Days, shall produce Receipt for the Duty, if required; and failing to produce such Receipt, to forfeit 5*l*.

S. 12. Purchaser paying the Duty in Money of his own Importation, to be allowed 15 *per Cent*.

S. 13. Penalties in this Act, to be one Half to the Governor, the other Half to the Informer.

S. 14. Governor to appoint Collectors of this Duty. Salary, 6*l*. *per Cent*.

S. 15. Money raised by this Duty, to be accounted for, and paid, by the Collector, to the Treasurer: Treasurer to give Security in 1000*l*. *Sterling*, and to account with the General Assembly.

S. 16. This Duty appropriated, for lessening the Levy by the Poll, and such other Uses as the General Assembly shall direct.

S. 17. This Act to continue for 4 Years from the passing thereof.

DAYS.

Times. Notice.

13 CAR. 2. If no Execution issue, within the
Cap. 61. Year, upon a Judgment, before
S. 2. Commissioners, a *Scire Facias* shall issue before Execution.

Cap. 62. If any Person in Debt, remove
S. 2. himself, he may be taken up, and obliged to give Security, if the Day of Paiment be not past. See Transportation.

4 ANNÆ. Election of Burgesses shall be at the
Cap. 2. Court-house, 20 Days, at least,
S. 2. after the Sheriff shall have received the Writ.

S. 13. All Members of the General Assembly privileged from Civil Process, &c. during the Session, and 10

Days before and after. Process depending before the Election, shall be stay'd 10 Days before and after every Session. If the Assembly is prorogued longer than 20 Days, Process may commence in the Interval. See Assembly.

At every Election, the Sheriff shall publish the Time for a Court of Claims, &c. to be held before every Session. *Vide ut ante*.

Governor may continue a Sheriff in his Office Two Years, successively, &c. See Sheriffs.

Process executed upon a Sunday, &c. void. But Traitors, Felons, Breakers of the Peace, or of Prison, may be apprehended at any Time. *Vide ut supra*.

On 10 June, Annually, every Master of a Family shall deliver to the Justice appointed for that Precinct, a List of all Tithables in the Family, on 9 June, on Penalty of 1000*lb*. Tobacco, for every Tithable concealed. Failing the 10th, but entering the List by 30 June, discharged from Penalty.

Collector of Public, or County Levies, shall pay Creditors in March. If any Creditor, after 10 Days Notice, neglects to receive his Tobacco, Collector may make a Tender, &c.

Certificate for a Pass, shall not issue, until 10 Days after public Notice set up at the Court-house, &c. Securities for Persons departing the Colony, shall be discharged, if no Prosecution in 2 Years. See Transportation.

Strays shall be advertized within a Month after Taking up. If no Owner appear within 12 Months, the Property vested in the Taker-up. See Strays.

Persons bringing home, or receiving any Hog, without Ears, (except proved to be their own Hog) shall immediately discover the same to a Justice of Peace: And whoever kills an unmarked Hog, upon his own, or unpatented Lands, shall, within 3 Months, notify

notify the same, upon Oath, to a Justice of Peace, and obtain Certificate, or be deemed Hog-stealers. *See Swine.*

4 ANNÆ. General Courts shall begin April
Cap. 19. 15, and October 15, Annually:
Shall continue 18 Days, Sundays
exclusive, &c.

S. 19. Criminal Process returnable to the
Fourth Day of the Court.

S. 20, 21. Days of issuing, executing, or re-
turning Writs, filing Declara-
tions, &c. excluded.

S. 29. Persons praying a *Dedimus*, shall
give 10 Days Notice to the other
Party, of the Time, and Place,
of Examination. *See Evidence.*

S. 36. Days appointed for Appeals.

Cap. 30. Information, for Words spoken, by
Persons guilty of Atheism, &c.
shall be made within one Month,
before a Justice of Peace. Pro-
secution in 12 Months after. Per-
sons convicted of the first Offence,
making public Recantation, with-
in 6 Months, discharged from Pe-
nalty. *See Religion.*

Cap. 33. Estates, &c. shall not be distributed,
S. 7. until 9 Months after the Intel-
state's Death. *See Distribution.*

Cap. 38. Courts for Examination of Crimi-
nals, shall be held, not less than
5, nor above 10 Days, after
the Date of the Warrant. If the
Offence is bailable, the Prisoner
shall not be removed in less than
20 Days. *See Criminals.*

Cap. 35. Limitation of Actions. *See Actions.*

Cap. 41. Persons intending to build a Water-
Mill, shall, in 1 Year begin, and
in 3 Years finish, such Mill.
Owners of Mills burn'd, being
under Age, Feme Covert, *Non*
Compos Mentis, or Imprisoned,
have 3 Years to rebuild, after
Incapacity removed. *See Mills.*

Cap. 46. Creditor failing to demand or re-
S. 6. ceive his Tobacco, before 31 *Ja-*
nuary, the Debtor may, at any
Time in *February*, make a Ten-
der. *See Tobacco.*

Cap. 49. Servants imported without Inden-
dentures, being above 19 Years
of Age, shall serve 5 Years: If
under 19, 'til they are 24. Shall,
within 6 Months, be brought be-

fore the County Court, to have
their Age adjudged, or shall serve
but 5 Years, altho' under 19.
Pretending to have Indentures,
but not producing any, within 2
Months, shall be barr'd from any
Benefit of an Indenture.

Killing Deer, between 1 *January*, 4 ANNÆ.
and 31 *August*, Annually, pro- Cap. 50.
hibited. *See Game.*

Days appointed for holding Coun- 9 ANNÆ.
ty Courts. *See Courts.* Cap. 11.

Days for issuing, executing, and re- S. 4.
turning Writs, &c. in County S. 13, 14.
Courts. *Vide ut supra.*

Limitation of Writs of Formedon, Cap. 13.
&c. *See Actions.*

Lands shall not lapse, before the S. 21, &c.
Expiration of 3 Years, after the
Date of the Patent. Descending
to an Infant, Feme Covert, or
Person out of the Country, shall
not lapse until 3 Years after the
Death of the Patentee. Patents
for Swamps, Marshes, or sunken
Grounds, shall not issue, until one
Year after Notice, &c. No Person
shall enter for Surplus Land, un-
til one Year after Notice. Days
and Times of Proceffioning. *See*
Land.

If no Will is exhibited, or Admin- 10 ANNÆ.
istration claimed, at the Court Cap. 2.
held next after the Expiration of S. 6.
30 Days, from any Person's Death,
the Court may grant Administra-
tion, to whom they think fit.

Executor refusing to give Security, S. 14.
in 2 Months, Administration shall
be granted to the next of Kin, &c.

Slaves, &c. employed in the Crop, S. 17.
shall continue on the Plantation
'til 25 *December*, &c.

If the Owner of Land, appointed 11 ANNÆ.
for a Rolling-house, and Public Cap. 5.
Landing, refuses to build, within S. 5.
one Year, any Freeholder of the
same County may petition the
Court, for Half an Acre, &c. to
be valued.

Two Thirds of Lands survey'd be- 12 ANNÆ.
fore 31 *October*, 1713, account- Cap. 3.
ed barren. Patentee shall, with-
in 3 Years, seat, &c. 5 Years
allowed to save Lands, surveyed
before 8 *December*, 1710. This
Act

- Act shall commence 1 *December*, 1714.
- 12 ANN. Cap. 4. Notice of the Birth of every Child, and of every Person dying, bond or free, shall be given by Masters of Families, to the Minister of the Parish, within 20 Days, on Penalty of 200 *lb.* Tobacco, &c. See Marriages.
- Cap. 8. Persons taking up Horses, &c. belonging to Owners disabled, shall, within 3 Days after taking, and 3 Days before the next Court, give Notice to such Owner. Proprietor of Stoned Horses, 2 Years old, found running at large, and seized, may, within 2 Months after Notice, redeem his Horse, by Payment of 400 *lb.* Tobacco, and Cask.
- 7 GEO. I. Cap. 5. S. 3. Masters of Plantations, shall cut up Stalks, Roots, and Suckers, in 20 Days after cutting off Tobacco Plants.
- 9 GEO. I. Cap. 2. S. 2. 9. All Freemen, from 21, to 60 Years of Age, shall serve in the Militia. Eighteen Months Time allow'd to each Soldier, after he is lifted, to furnish himself with Arms, &c. A General Muster shall be made, in every County, once a Year; and every Captain shall exercise his Men Quarterly, or oftner if Occasion. No Defaulter shall be fined above 5 Times in one Year.
- S. 12. A General Muster shall be made, in every County, once a Year; and every Captain shall exercise his Men Quarterly, or oftner if Occasion. No Defaulter shall be fined above 5 Times in one Year.
- S. 18. A Court Martial may be held Annually, in every County, at the Court-house, on the first or second *Thursday* in *October*: But not at any other Time, or Place. Shall not fine for any Offences committed above a Year.
- S. 20. A Court Martial may be held Annually, in every County, at the Court-house, on the first or second *Thursday* in *October*: But not at any other Time, or Place. Shall not fine for any Offences committed above a Year.
- S. 26. Any able-bodied White Person, above 16 Years of Age, may be admitted to serve in the Militia, in the Room of any other Person lifted.
- Cap. 4. S. 22. All Children of Female Mulattos, or Indians, born in the Mother's Time of Servitude, shall serve to the Age of 30, or 31 Years, according as the Mother was obliged to serve.
- 12 GEO. I. Cap. 1. The Duties on Liquors for 5 Years, and 21 Years, from 10 *June*, 1726. See Liquors.
- Liquors exported within 3 Months, shall have a Drawback of all the Duties paid, &c. 12 GEO. I. Cap. 1. S. 13.
- If the Duties are not paid, or secured, within 10 Days after Entry of the Ship, &c. Collectors may bring on Shore all Liquors, &c. then on Board. S. 11.
- All Writs of Execution shall be returnable to the next succeeding Court, so as there be, at least, 15 Days between the Teste and Return. Cap. 3. S. 4.
- Property of Goods taken in Execution, shall be bound from the Time of delivering the Writ to the Officer; who shall endorse the Day of Receipt, upon the Back of the Writ. If Two Executions are delivered against the same Person, in the same Day, that which was first delivered, shall be satisfied first. S. 14.
- Goods taken upon *Fi. fa.* shall be sold, &c. if the Judgment be not satisfied in 3 Days after Seizure. Officer shall give Notice of the Time and Place of Sale, on the next *Sunday* after Taking. The Sale shall be the Third Day after Notice. Upon Security given, the Goods may remain in Possession of the Debtor, 'til the Day of Sale; and if the Debt, &c. be then tendred, the Goods shall be restored. S. 15.
- Persons taken in Execution, and remaining in Prison 20 Days, may petition, &c. See Insolvent Debtors. S. 16.
- Prison Fees of Insolvent Debtors shall be paid by the County, for the first 20 Days; afterwards by the Creditor. S. 30.
- Runaways belonging to Persons unknown, shall be committed to the County Goal; and if no Owner appears in 2 Months, conveyed to the Public Goal. S. 35.
- Servants on Wages shall, for every Day's Absence without Leave, serve Two Days without Wages. S. 24.
- Persons felling a Tree into any River, or Creek, shall remove the same in 48 Hours, on Penalty of 15 *s.* per Tree. Cap. 7. S. 3.

1 Geo. 2. If the Militia raised, is again discharged in 2 Days, no Pay shall be allowed. Cap. 5. S. 10.

Cap. 6. The Vestry of every Parish shall lay the Parish Levy, before October 15, Annually. The Collector shall pay the Minister, and every other Parish Creditor, before 31 March. S. 3. S. 8.

Cap. 8. After 1 April, 1728, the Loser of 10 l. at Cards, &c. may sue the Winner for the Money, within 3 Months: If the Loser does not sue within that Time, any other Person may. S. 3.

DEEDS.

Conveyances. Assignments.

9 ANN. No Estate in Fee Simple, Fee Tail, or for Life, &c. shall pass, without Deed in Writing, indented, seal'd, and recorded in the General Court, or in the Court of the County wherein the Lands lie, within 8 Months, if the Grantor be resident within this Colony; or within 2 Years, if not resident. No Deeds shall be admitted to Record, unless acknowledged in Court by the Grantor, or proved by 3 Witnesses. Cap. 13. S. 1. S. 2.

S. 3. Deeds by Husband and Wife, acknowledged in Court, shall be effectual to convey the Estate of the Feme, &c.

S. 6. Deeds, and Conveyances of Lands, before making this Act acknowledged, and recorded in the Council Books, or in any County Court, Assignments on Patents, and all Deeds, &c. bona fide executed, tho' without valuable Consideration therein expressed, or proved by 2 Witnesses, and recorded, or without Livery of Seisin made, shall be good and effectual to confirm the Lands, &c. to the Parties in Possession at the Time of making this Act, &c. S. 7.

S. 8. Livery of Seisin, where necessary, shall be recorded, with all Deeds hereafter acknowledged, &c.

The Statute, 31 Gul. and Mar. 12 Geo. 2. Cap. 14, For Relief of Creditors against fraudulent Devices, shall be in Force within this Colony and Dominion. Cap. 3. S. 18.

All Mortgages, Securities, or Conveyances, where all, or Part of the Consideration, is for Money won at Gaming, or Betting, &c. and all Conveyances to hinder Lands from devolving, &c. shall be void. See Gaming. 1 Geo. 2. Cap. 8. S. 1.

DISTRIBUTION.

Intestates. Widows. Representatives.

An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates; and for securing Orphans Estates. 4 ANN. Cap. 33.

Estates Personal of Persons dying intestate, shall be distributed to the Wife and Children, or Kindred of the Deceased, viz. One Third to the Wife, and the Residue to the Children, or their legal Representatives, in equal Proportions; except such Children (other than the Heir) who have had Settlements, or Portions, in the Intestate's Life Time: But if such Portion, &c. be less than the Share arising by the Distribution to the other Children, the Residue shall be paid out of the Estate. The Heir, besides the Land, shall have an equal Share of all other Estate. Method of dividing Estates of Children, dying Intestate, after the Father, and during the Life Time of the Mother. No Collateral Representatives after Brothers and Sisters Children. If there be no Wife, all the Estate shall be equally divided among the Children; and if no Child, then to the next of Kin, &c. S. 1. S. 3.

What Share a Widow may claim in the Estate of her Husband, dying Testate. See Dower. S. 4.

4 ANN. Cap. 33. S. 6. If the Widow of an Intestate dies before Appraisement, &c. her Right shall be determined.

S. 7. Estates shall not be distributed, until 9 Months after the Intestate's Death, and Security given in Court, for indemnifying the Administrator from Recoveries of Creditors, &c.

S. 8, 9. Widows of Intestates shall be intitled to Dower. See Dower.

S. 11. Where no Person will administer an Estate, Courts may appoint the Sheriff to take Possession, &c. His Fee 5 per Cent.

S. 14, &c. Method of securing Orphan's Estates. See Orphans.

S. 17. County Courts may regulate Funeral Expences.

D O W E R.

Cap. 23. S. 11. Widow seized of Slaves, in Right of Dower, transporting any of them out of this Colony, without Consent of the Heir, forfeits all her Dower. Husband of such Widow so transporting, Heir in Reversion may enter, and hold the Wife's Dower, during the Life of such Husband.

Cap. 33. S. 8, 9. Widows of Intestates shall be entitled to Dower, &c. and may remain in the Mansion House, and Plantation, until Dower assigned, &c. But Widows barred of Dower by a Jointure, &c. shall not hold any other Messuage.

1 GEO. 2. Cap. 11. S. 21. The Widow of any Person, dying Testate, may, within 9 Months after the Testator's Death, renounce all Benefits of the Will, &c. and shall thereupon be entitled to Dower of all the Slaves whereof her Husband died possessed; and such Share of his Personal Estate as is provided by the Act, 4 An. Cap. 33. Shall hold such Slaves during her Life; and after Determination of her Estate, they shall go to the Person in whom the Property would have vested, if Dower had not been demanded. But if such Declaration be not made within

9 Months, she shall be barred to claim more than is given her by Will, &c.

EVIDENCE.

Witnesses: *Dedimus*.

If any Witness be disabled by Sickness, &c. from attending, the Court, or Two Justices, may grant a *Dedimus*, for taking such Witness's Testimony. But the Party praying such *Dedimus*, shall give 10 Days Notice to the other Party, of the Time and Place of Examination.

Witnesses summoned, refusing to give Evidence upon Oath, shall be committed to Goal. S. 30.

Quakers admitted on their Affirmation.

Popish Recusants Convict, Negros, Mulattos, and Indians, not being Christians, incapable of being Witnesses. S. 31.

Witnesses summoned to attend the General Court, failing to appear, forfeit 1000 lb. Tobacco, to the Party grieved, unless sufficient Cause of Inability be shewn to the next Court.

Witnesses at the General Court privileged from Civil Process, during their Attendance, coming to, and returning from Court, allowing One Day for every 20 Miles Distance: Shall be paid by the Party for whom summoned, One Pound of Tobacco and a Half per Mile, coming and returning, besides Ferriages, and 60 lb. Tobacco per Day, for Attendance. S. 32.

For Witnesses in County Courts, Summons shall be issued by the Clerk, if resident in another County, shall be paid, as Witnesses summoned to the General Court. The Court, or 2 Justices, (*Quorum unus*) may grant *Dedimus*, for examining Witnesses disabled, &c. from attending. Persons summoned, failing to attend, forfeit 350 lb. Tobacco, to the Party grieved, and liable for further Damages, unless

unless sufficient Cause of Inability be shewn.

12 ANNÆ. Proof of Seating and Improvement of Lands, made in Court, returned to the Secretary's Office, and there recorded, shall be good Evidence.

7 GEO. 1. Valuation of Improvements, made by Persons appointed by the County Court, return'd and recorded, shall be good Proof.

9 GEO. 1. The Confession of the Offender, the Oath of One credible Witness, or the Testimony of Negros, Mulattos, or Indians, Bond, or Free, with pregnant Circumstances, shall be taken for Evidence, on Trials of Slaves committing Capital Crimes.

12 GEO. 1. Officer sued for any Thing done, in Pursuance of this Act, for laying a Duty on Liquors, may plead the General Issue, and give this Act in Evidence.

Cap. 3. Officer sued for performing his Duty, in Pursuance of this Act, concerning Executions, and for Relief of poor Prisoners for Debt, may plead the General Issue, and give this Act in Evidence.

1 GEO. 2. Witnesses attending the General Court, shall not claim their Allowance in Court, unless refused by the Clerk, in the Office.

S. 18. Witnesses in County Courts, inhabiting the same County, shall be paid 30 lb. Tobacco per Day, for Attendance, by the Party for whom the Summons issued.

S. 19. County Court Clerks may issue Summons for Witnesses to attend any Survey of Land, order'd by the County Court; and if such Witness be an Inhabitant of another County, may direct the Summons to the Sheriff, or Coroner, of such County.

S. 20. Any Person summoned as a Witness at any County Court, failing to attend, forfeits 350 lb. Tobacco, to the Party summoning, and liable to further Damages. If sufficient Cause of Non-appearance be shewn, no Penalty shall be incurred; but if such Cause do not appear to the next Court,

the Party summoning, shall, upon Motion, have Judgment for the Forfeiture.

No Negro, Mulatto, or Indian, Slave, or Free, shall be a Witness in any Court, or Cause whatsoever, except upon the Trial of a Slave for a Capital Offence.

Sheriff sued for any Thing by him done, in Pursuance of this Act, for ascertaining the Fees of certain Officers therein mentioned, may plead the General Issue, and give this Act in Evidence.

In Controversies depending before Governor and Council, Clerk of the Council to issue Summons for Witnesses, to be directed to the Sheriff; who is to have 30 lb. Tobacco for serving. Witnesses to be paid, as if attending the General Court. Governor and Council to allow Costs.

But may be discharged in Tobacco, or Money, at 10 s. per Hundred, at the Election of the Party chargeable.

EXECUTION.

Escape. Extent.

An Act to repeal the Act, intituled, *An Act directing the Manner of levying Executions, and for Relief of poor Prisoners for Debt*; and one other Act, to explain the said Act; and to declare the Law concerning Executions; and for Relief of poor Prisoners for Debt.

All Writs of Execution shall be issued in the King's Name, bear Teste by the Clerk of the Court whence issued, returnable in the General Court, to some Day of the next General Court, and in County Courts, to the next succeeding Court, so that there be at least 15 Days between the Teste and Return. The Forms of the several Writs of *Fieri Facias*, *Elegit*, and *Capias ad Satisfaciendum*. The Writs shall be directed to, and executed by the

5 & 6

GEO. 2.

Cap. 7.

S. 6.

Cap. 10.

S. 7.

S. 10.

S. 11.

12 GEO. 1.

Cap. 3.

S. 4.

- the Sheriff. The Forms of the several Returns, 12 GEO. I. Cap. 3. S. 6.
- Creditors, and their Executors or Administrators, may, after the Death of any Debtor dying in Execution, have new Execution against his Lands and Tenements, Goods and Chattels, S. 7.
- Lands *bona fide* sold, after Judgment, and the Money arising by such Sale, paid, or secured to be paid, to any Creditor, in Discharge of his Debt, shall not be liable to a new Execution.
- S. 9. If the first Writ of Execution be not returned executed, the Clerk may issue another, at the Costs of the Party requiring the same. Where Judgment is against several, Execution shall issue, as against one Defendant.
- S. 11. No Extent shall be avoided, or delayed, because Part of Lands or Tenements extendible, are omitted out of such Extent.
- S. 12. Parties, whose Lands shall be extended, and their Heirs, Executors, or Assigns, may have Remedy for Contribution, against Persons whose Lands are omitted.
- S. 13. No Extent or Contribution given by this Act, against any Heir, within Age, during such Minority.
- S. 14. The Property of Goods taken in Execution, shall be bound from the Time of delivering the Writ to the Officer, who shall (without Fee) indorse the Day of Receipt upon the Back of the Writ. If Two Writs of *Fieri Facias* shall be delivered against the same Person in the same Day, that which was first delivered, shall be satisfied first.
- S. 15. If Goods are taken in Execution, and the Judgment be not satisfied in 3 Days after Seizure, they shall be sold by Auction. The Officer to give Notice in Writing, and by Publication, at the Parish Church, the next *Sunday* after Seizure, of the Time and Place of Sale; which shall be the Third Day after Notice given. The Officer may, upon Se-

- curity given, suffer the Goods, seized, to remain in Possession of the Debtor, until the Day of Sale; and if a Tender of the Debt, Damages, and Costs, be then made, the Goods shall be restored. 12 GEO. I. Cap. 3. S. 17.
- Sheriff, or Officer, failing to pay Monies levied upon a *Fieri Facias*, the Clerk may, at the Request of the Party to whom the same is payable, issue a *Scire Facias* against such Officer. S. 18.
- If Goods remain in the Officer's Hands unsold, for Want of Buyers, he shall make Return accordingly; and then a Writ of *Venditioni Exponas* shall issue: Form of the Writ: And thereupon such Goods shall be sold for ready Money, or upon Credit. S. 19.
- Where Judgment is obtained in any inferior Court of Record, and the Debtor removes himself and his Effects, out of the Jurisdiction of such Court, the Clerk may issue *Fieri Facias*, or *Capias ad Satisfaciendum*, directed to the Sheriff of any County in this Colony; which shall be executed and returned, by such Sheriff, to the Court where the Judgment was given. S. 21.
- Prisoners taken in Execution, may be permitted Liberty of the Prison Bounds, giving Bond and Security, &c. S. 23.
- Upon Escape of any Prisoner in Execution, proved by Oath in Writing, before a Judge of that Court whence Execution issued, such Judge shall grant his Warrant, for retaking the Person escaped, which shall be in Force throughout this Colony; and the Prisoner so retaken, shall be committed to the Goal of the County where retaken, without Bail or Mainprise, there to remain, 'til discharged by due Course of Law. If such Prisoner be removed, for any Matter on Behalf of the King, to any other Prison, he or she shall be in Custody of such Goal. The Officer shall take Receipt from the Sheriff, for Delivery of every Prisoner retaken by

by Warrant. The Sheriff shall receive such Prisoner, and make Return of such Warrant to the Court where the Judgment was given; and if the Person so retaken, shall afterwards escape out of such Goal, the Sheriff shall be liable for such Escape.

12 GEO. I. Method of discharging insolvent Prisoners, taken in Execution. See insolvent Debtors. Cap. 3. S. 30. &c.

S. 34. Creditors may, at any Time, after the Discharge of an insolvent Debtor, sue forth Execution against Goods and Chattels acquired by such Debtor; and any Creditor, notwithstanding his Consent to the Release of an insolvent Prisoner, may afterwards have new Execution against Lands and Tenements, Goods and Chattels, of such Prisoner.

16 GEO. 2. Slaves annexed to Lands, &c. may be taken in Execution, and sold, for Paiment of Debts of the Tenant in Tail, for the Time being, &c. But Slaves so annexed, belonging to any Feme Covert, shall not be liable to be taken in Execution, for satisfying any Debt of her Husband's. Cap. 11. S. 15, 16.

EXPORTATION.

Money. Pork. Beef. Tar. Pitch. Hemp. Flax. Drawback. Grain.

EXPORTATION OF MONEY.

13 CAR. 2. No Person shall export Money, above 40 s. If any exceed that Sum, to forfeit Double thereof. Cap. 116.

4 ANNÆ. An Act for ascertaining the Gauge of Barrels for Pork, Beef, Tar, and Pitch. Cap. 6.

S. 2. After 29 September, 1705, every Barrel set up for Pork, Beef, Tar, or Pitch, for Exportation, or Sale, shall contain 31 Gallons and a Half, *Winchester* Measure. Every Pork, or Beef Barrel, to contain 220 lb. nett; and Tar, or Pitch, to be filled without Mixture of Trash, &c.

S. 4. Coppers setting up Cask of less Dimensions, forfeit 5 l. per Barrel.

Persons packing up for Sale, Pork, or Beef, in Casks of less Contents, forfeit 5 l. per Barrel; and Tar, or Pitch, in Cask of less Gauge, or mixed with Trash, 20 s. per Barrel of Pitch, and 10 s. per Barrel of Tar, besides Forfeiture of the Goods. 4 ANNÆ. Cap. 6. S. 5, 6.

Exporting, bartering, selling, exposing to Sale, or importing Pork, Beef, Tar, or Pitch, in Barrels contrary to this Act, liable to the like Forfeitures and Penalties. S. 7, &c.

Duties on Skins, and Furs, exported. See Hides. Cap. 29.

An Act for encouraging the making of Tar, and Hemp. 8 GEO. I. Cap. 1.

Twelve Hundred Pounds, Current Money, appropriated for paying a Præmium of 2 s. for every Barrel of Tar, containing 32 Gallons nett, made according to this Act, and exported. 4000 l. appropriated for the Paiment of 4 s. for every gross Hundred of Hemp, Water-rotted, bright, and clean, exported. S. 2.

Persons claiming the Reward for Tar, shall specify the Mark and Number of each Barrel exported, and make Oath, before a Justice, That the Quality and Quantity of each Barrel is according to this Act, &c. Justice of Peace shall grant Certificate of such Oath being made: The Exporter shall produce such Certificate to the Collector, or Naval Officer, &c. who shall certify the same to the Governor; and thereupon the Governor to issue his Warrant to the Treasurer, for the Reward, &c. S. 3, 4.

Method of obtaining Certificates for Hemp exported. *Vid.* 3 & 4 Geo. 2. Cap. 19. *Post.*

Persons convicted of Perjury, in obtaining Certificates, &c. forfeit 4 Times the Value of the Reward obtained, &c. S. 7.

This Act shall commence June 24, 1722. S. 8.

For Liquors exported within 3 Months after Importation, the Collector, with whom they were entred, 12 GEO. I. Cap. 1. S. 13.

- entred, shall allow a Drawback of the whole Duties paid, &c. Exporter to make Oath.
- 1 GEO. 2. An Act prohibiting the Exportation of Grain, in Time of Scarcity. Cap. 10.
- S. 2. The Governor, with Advice of the Council, may issue his Proclamation, prohibiting Grain, to be exported.
- S. 3. Grain, &c. put on Board for Exportation, during such Prohibition, shall be forfeited, and may be seized by any Officer of the Customs; and the Owners shall also forfeit Double the Value; One Third to the King, One Third to the Governor, and the the other Third to the Officer making the Seizure, or to the Informer.
- S. 4. This Act shall not restrain the taking on Board Provisions necessary for victualing any Ship, &c. Grain shipped before Notice of Prohibition may be relanded.
- 3 & 4 GEO. 2. Any Justice of Peace, or Constable, of the County where Hemp shall be made, may weigh such Hemp as shall be offered, and desired to be weighed; and shall have the same Reward for so doing; and give such Certificate to the Owner, as is directed by Act 8. Geo. 1. Cap. 1. And the Party making such Oath, as by the said Act is required, the Clerk of the County is to certify the same; and on producing such Certificate to the Governor, the Owner shall be entitled to the Bounty, in like Manner as if the same had been weighed by the Sheriff, or Under-Sheriff, according to the Directions of the aforesaid Act. Cap. 16. S. 1.

F E E S.

Rewards. Salaries. Allowances.

- 32 CAR. 2. Fees for Naturalization, viz. To the Governor, 40 s. Clerk, 10 s. Cap. 2.
- S. 4. County Court Clerk's Fee, for certifying Public Claims of 100 lb. Tobacco, or upwards, 20 lb. Tobacco, if the Claim is allow'd in Assembly. 4 ANNÆ. Cap. 8. S. 5.

- Surveyor's Fees, viz. 4 ANNÆ. Cap. 22.
- For a Survey not exceeding 1000 Acres, 500 lb. Tobacco.
- For every 100 Acres, above 1000, 30 lb. Tobacco.
- If stopped from finishing a Survey, 1250 lb. Tobacco.
- For a Lot in Towns, 20 lb. Tobacco.
- The Table of Collectors and Naval Officers Fees. Cap. 27. S. 7.
- Sheriff's Fee, for Intestates Estates by him sold, 5 per Cent, Cap. 33. S. 11.
- Sheriff's Fee, for removing Criminals, &c. 100 lb. Tobacco, for every 20 Miles Distance. Goal-er's Fee, for keeping such in Prison, 5 lb. Tobacco per Day. Cap. 38. S. 6.
- Marriage Fees. See Marriages. Cap. 48. S. 8.
- Allowances to Servants (not imported upon Wages) at the Expiration of their Time of Service, to be paid by the Master, &c. Cap. 49.
- Rewards for taking up Runaways. Sheriff's Fee for transporting Runaways cross the Bay of Chesapeak. See Servants and Slaves.
- Allowances to public Expresses. See Public. Cap. 53.
- Rewards for taking up Runaway Seamen. See Ships. 9 ANNÆ. Cap. 3. S. 4.
- Collectors of the Revenue of 2 s. per Hoghead, shall have a Salary not exceeding 10 per Cent. Cap. 5. S. 10.
- Appraisers Fee, 30 lb. Tobacco per Diem. 10 ANNÆ. Cap. 2. S. 16.
- Sheriff's Fee, for keeping insolvent Debtors in the General Court Prison, 6 d. per Day, to be paid by the General Assembly. Cap. 3. S. 7.
- Rates of Storage, for Tobacco and Merchandise. See Rivers. 11 ANNÆ. Cap. 5. S. 8.
- Ministers Fee, for Registering Births, Christnings, and Deaths, 3 lb. Tobacco, for every Person registred. 12 ANNÆ. Cap. 4. S. 4.
- Magazine Keeper's Salary 20 l. per Annum. 1 GEO. 1. Cap. 3. S. 3.
- Armourer's Salary, the same.
- Reward for every Wolf killed, by 7 GEO. 1. Cap. 6. S. 2.
- by any Persons whatsoever, except Foreign Indians, 200 lb. Tobacco, &c.
- Præmium, for Tar exported, 2 s. per Barrel, Hemp exported, 4 s. per Hundred gross. 8 GEO. 1. Cap. 1. S. 2.
- For every Indian Offender, condemned to Death, the Person by whom

- whom he was taken Prisoner, shall have a Reward of 1000 *lb.* Tobacco, to be paid by the Public.
- 9 GEO. 1. Treasurer's Salary, 4 *per Cent.*
Cap. 8.
12 GEO. 1. Fifteen *per Cent.* allow'd to Persons paying any of the Duties upon Liquors, in Money of their own Importation.
Cap. 1.
S. 15.
- S. 17. Collectors Salary, for the Duties upon Liquors, 6 *per Cent.*
- 1 GEO. 2. Lawyers Fee, in all Cases in the General Court, 50 *s.* Current Money, or 500 *lb.* Tobacco, at the Election of the Party adjudged to pay the same.
Cap. 3.
S. 12.
- S. 19. Allowance to Witnesses, in County Courts. *See Evidence.*
- Cap. 5. Rates of Pay for the Militia, drawn out into actual Service. *See Militia.*
S. 8.
- Cap. 6. Ministers Salary, in every Parish, 16000 *lb.* Tobacco, with Cask and Conveniency, *per Annum.*
S. 2.
- 5 & 6 GEO. 2. The Table of Secretary's Fees, to be paid by the Party at whole Instance the Business is performed: Other Fees due to the Secretary, for Public Commissions and Writs, to be paid by the respective Counties. Clerks to write their Bill of Fees in Words at Length, or not to be demandable. The several Tables of County Court Clerks, Sheriffs, Coroners, and Constables Fees.
Cap. 10.
S. 1, 2, 3.
- S. 4. The Clerk of the Secretary's Office, and of every County Court, shall cause to be set up, and kept, in their several Offices, a fair Copy of the Table of Fees to them respectively given by this Act, on Penalty of 2000 *lb.* Tobacco, on the Clerk of the Secretary's Office, and 1000 *lb.* on every County Court Clerk, for every Day such Table shall be missing, to the Informer.
- S. 5. Officer taking greater Fees, forfeits 2000 *lb.* Tobacco to the Party injured. Prosecution in 12 Months.
- S. 7. Before 25 November, Annually, the Clerk of the Secretary's Office, and of every County Court, shall deliver to the Sheriff of each County, the Accounts of Fees to them respectively due in such

County, signed by such Clerk. The Sheriff shall levy the Tobacco, on the several Persons charged; or, in Case of Refusal, may distrain. But no Action shall be maintainable, unless the Sheriff return the Party insufficient.

On or before the Last of May, Annually, the Sheriff shall account with the Secretary, and the County Court Clerks, for all such Fees, abating 4 *per Cent.* for collecting, together with a Deduction for Persons not inhabiting, or not having any Estate in his County; otherwise, upon Motion in Court, and 10 Days Notice, Judgment to be entred against the Sheriff.

Attornies Fee in County Courts, 15 *s.* or 150 *lb.* Tobacco. S. 9.

This Act shall continue in Force 2 Years, and from thence, to the End of the next Session of Assembly. And declared a Public Act. S. 13.

F E L O N Y.

Clergy.

Every Person convicted of Hogshead stealing, the Third Time, shall be adjudged a Felon. 4 ANNA. Cap. 14. S. 6.

Meeting of Slaves, above Five in Number, to consult, advise, conspire, or plot Rebellion, Insurrection, or Murder, shall be adjudged Felony, and the Offenders excluded all Benefit of Clergy. 9 GEO. 1. Cap. 4. S. 2.

To land or take Tobacco out of Hogsheads in carrying to or from a Public Warehouse, Felony; unless forced by Stress of Weather, or Leakiness. 5 & 6 GEO. 2. Cap. 3. S. 7, 8.

Forging or counterfeiting the Note, Receipt, or Stamp; tendring in Paiment any such forged or counterfeit Note, knowing it to be such; exporting, or causing to be exported, any Package of Tobacco, under a counterfeit Stamp; demanding Tobacco upon a counterfeit Note, or Receipt, knowing it to be such; packing into any Hogshead, &c. stamped by an Inspector, any Tobacco whatsoever; S. 42.

- soever; drawing or taking out the Stave, Plank, or Heading, so stamped, and fixing the same in an any other Cask, after such Cask delivered out of the Public Warehouse, declared Felony.
- 3 & 4
Geo. 2.
Cap. 4.
S. 2. After 29 September, 1730, the malicious burning Tobacco-House, Warehouse, Storehouse, or other House whatsoever, and accessory, before the Fact, to such Offence, Felony without Benefit of Clergy.
- S. 4 Persons feloniously breaking any Warehouse, or Storehouse, after the said 29 September, by Night, or by Day, and taking thereout Money, or Goods, to the Value of 20 s. and Accessories, before the Fact, to the same Offence, debarred from the Benefit of Clergy.
- S. 6 Accessories to Felony, after the said 29 September, whether before or after the Fact, may be proceeded against in the same Manner as if principal Felon had been attainted, altho' such principal Felon should be admitted to his Clergy, pardoned, or otherwise delivered before Attainder; and to suffer such Punishment as if Principal had been attainted.
- S. 8 Buyers and Receivers of stolen Goods may be prosecuted as for a Misdemeanor, altho' the Principal be not convicted; and to be exempted from further Punishment, as Accessory.
- 5 & 6
Geo. 2.
Cap. 6.
S. 2. Stealing Negro, Mulatto, or Indian Slave, from Owner, or Overseer, Felony, without Benefit of Clergy.
- Cap. 7.
S. 2. Clergy taken away by any Act of Parliament of England, made before 4 James 1, the same is taken away for the like Offence committed here, from Principals, Accessories, standing mute, and challenging more of the Jury than the Law allows.
- S. 3 Where a Man may claim the Benefit of Clergy, Woman convicted of the like Offence, may have the Benefit of this Act, and shall be burnt in the Hand.

Persons entitled to the Benefit of Clergy, shall not be required to read.

Negro, Mulatto, or Indian, convicted of Offence within the Benefit of Clergy, to be burnt in the Hand; and suffer other corporal Punishment, as the Court shall think fit; except upon a Conviction of Manslaughter, Burglary, or breaking and entering House in the Day, stealing Goods to the Value of 5 s. Sterling.

Negro, Mulatto, or Indian, shall have the Benefit of this Act but once.

FERRIES.

Ferry-Keepers.

An Act for the Regulation and Settlement of Ferries; and for Dispatch of Public Expresses.

Places appointed, where Public Ferries shall be kept; and the Rates of Ferriage.

County Courts may appoint Ferries at any opposite Landings, to answer those settled by this Act; may license and appoint Ferry-Keepers, Boats, &c. Shall take Bond and Security of the Persons appointed to keep Ferry, &c.

The Men attending in Ferry-Boats, free of all Public and County Levies, and from all Public Services. Ferry Licenses shall be granted without Fee; and only Half the Governor's Fee shall be paid by Ferry-Keepers, for an Ordinary License. If an Ordinary is kept at any Ferry, no other shall be licensed to keep Ordinary, within 5 Miles. But Ordinaries kept at Ferries, shall be subject to all other Regulations and Penalties directed by Law.

Persons not licensed, taking Reward for setting any Person over a River, whereon a Ferry is by this Act appointed to be kept, forfeit 5 l. to the next Ferryman, if he will inform.

County Courts may appoint Ferries, within the County, &c. for transporting

transporting the Militia, on Muster Days, but not to another County.

4 ANNÆ. Public Expresses, Ferry free. See Public. Cap. 53. S. 8.

12 ANNÆ. An Act for continuing an Act, intituled, *An Act for the Regulation and Settlement of Ferries, and for Dispatch of Public Expresses.* Cap. 6.

The Act 4 Annæ, Cap. 53, continued, and made perpetual.

7 GEO. I. An Act for settling new Ferries on Pamunkey, Mattapony, and Potowmack Rivers; and for ascertaining the Rates of Ferriage for Wheel Carriages. Cap. 8.

S. 2, 3. New Ferries appointed. Places and Rates of Ferriage. The Keepers shall be under all Restrictions, and intitled to all Advantages, prescribed by 4 Annæ, Cap. 53.

S. 4, 5. County Courts may order Boats to be kept for Wheel Carriages. Ferriage for such, viz. A Carriage with 4 Wheels, the same as 6 Horses; and a 2 Wheel Carriage, the same as 4 Horses.

8 GEO. I. An Act for settling new Ferries, over York, Rappahanock, and Pamunkey Rivers. Cap. 8.

12 GEO. I. Ferry-Keepers shall give immediate Passage to Constables, and their Assistants, charged with conducting Runaways. The Ferriage of such Constables, Assistants, and Runaways, going and returning, shall be paid by the County, repaid by the Public, and levied upon the Owner of the Runaway. Cap. 4. S. 7.

Cap. 8. An Act for settling new Ferries over Rappahanock, Northanna, and Appamatock Rivers.

5 & 6 GEO. 2. An Act for settling new Ferries over James, Appamatock, Nottoway, Rappahanock, and Potowmack Rivers. Cap. 14.

FORFEITURES.

Fines. Penalties.

13 CAR. 2. Sheriff, Commissioner, Under-Sheriff, or Clerk, practising as Attornies in their respective County Courts, forfeit 1000 lb. Tobacco to the County. See Attornies. Cap. 49. S. 1.

Persons selling by Weights or Measures not sealed, forfeit 1000 lb. Tobacco, to the Public, and Informer. See Weights and Measures. 13 CAR. 2. Cap. 63. S. 3.

Divulgers of false Reports may be fined 2000 lb. Tobacco, and bound to good Behaviour. Cap. 9. S. 1.

Two Acres of Corn, or one Acre of Wheat, to be tenced, for every Tithable, on Penalty of 500 lb. Tobacco per Acre neglected. See Improvement. Cap. 112.

No Person shall export in Money above 40 s. on Penalty of Double the Sum. Cap. 116.

Persons refusing to have their Children baptized, forfeit 2000 lb. Tobacco to the Parish and Informer. See Religion. 14 CAR. 2. Cap. 3.

Defaming the Person of the Governor, or a Councillor, Judge, or principal Officer, Fine and Imprisonment. 32 CAR. 2. Cap. 1. S. 14. S. 15.

Master of a Ship, &c. concealing any Part of his Freight, or making false Entry of his Ship's Burthen, or the Number of Persons imported, forfeits 100 l. Sterling, and treble Duties. See Ships. Cap. 3. S. 4.

Persons causing Disturbance during divine Service, fined, first Offence 200 lb. and every Offence thereafter, 500 lb. Tobacco. And Justices neglecting to put this Law in Execution, forfeit 500 lb. Tobacco. See Religion. Cap. 13.

Publication, &c. that the Acts of Assembly, are not of Force within this Colony, Fine and Imprisonment, &c. See Assembly. 34 CAR. 2. Cap. 8. S. 2.

Penalties on the Secretary, Sheriff, Minister, or Reader, neglecting their Duty, in executing, &c. the Writs for Election of Burgesses. Penalty on Persons, not being Freeholders, at the Time of Election, presuming to vote. Penalty on resident Freeholders, failing to appear, and vote, at Elections, &c. See Assembly. 4 ANNÆ. Cap. 2.

Sheriff, or his Deputy, shall execute and return all Writs, &c. to him directed, according to Law, on Penalty of 1000 lb. Tobacco for

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- every Offence, to the Crown, and Party grieved, and liable to the Suit of the Party. And Sheriff making a false Return, forfeits 3000 *lb.* Tobacco to the Party grieved, and liable to further Damages. *See* Sheriffs.
- 4 ANNÆ. Cap. 5. S. 2, 4. Tobacco imported from *Carolina*, or brought round the Capes, without Certificate from the Collector, forfeited, to the Crown, and Informer. *See* Tobacco.
- Cap. 6. Forfeitures and Penalties, for setting up, packing, bartering, selling, exposing to Sale, exporting, or importing, Pork, Beef, Tar, or Pitch, in Barrels contrary to the Act, 5 *l.* per Barrel of Pork, or Beef, 20 *s.* per Barrel of Pitch, 10 *s.* per Barrel of Tar, besides Loss of the Goods, to the Crown, and Informer. *See* Exportation.
- S. 12. Concealer of Tithables, forfeits 1000 *lb.* Tobacco, for every Tithable concealed, to the Informer. *See* Levies.
- Cap. 7. S. 6. Sheriff, or Clerk, failing to attend the Court of Claims, forfeits 1000 *lb.* Tobacco. Justices failing, &c. 500 *lb.* Tobacco, to the County, and Informer.
- Cap. 8. S. 2. Collectors of Public or County Levies, shall allow 8 *per Cent.* for Cask. Penalty 100 *lb.* Tobacco for every 8 *lb.* due, and *pro rato*, to the Party grieved; recoverable before a Justice, if the Forfeiture exceed not 200 *lb.* if more, by Action, &c.
- Cap. 9. S. 4. Penalty on every Magistrate, failing to put this Act in Execution, 500 *lb.* Tobacco, to the Crown and Informer, and further liable to Damages, upon any Escape. *See* Imprisonment.
- Cap. 10. Secretary shall appoint Deputies, for granting Passes, on Penalty of 50 *l.* to the Crown, and Informer. Refusing a Pass, forfeits 500 *l.* to the Queen and Party grieved. Prosecution in 6 Months. Passes granted by his Deputies, or himself, shall be registred, on Penalty of 5 *l.* to the Crown, and Informer. *See* Transportation.
- Persons failing to advertise, &c. or making Use of any Stray Horse, Mare, Cattle, or Boat adrift, forfeit 15 *s.* to the Owner; recoverable before a Justice of Peace, besides double Damages. *See* Strays.
- 4 ANNÆ. Cap. 13. Pains and Penalties for Hog-stealing. *See* Swine.
- Cap. 14. Penalties for Trespasses by unruly Horses, Cattle, &c.
- Cap. 15. Forfeiture for taking, without Leave, any Boat, or Canoe. If several Offenders in one Trespass, each Person shall pay the whole Fine. *See* Trespass.
- Persons sitting, or acting, as Judges of the General Court, before taking the Oaths, &c. forfeit 500 *l.* Sterling, to the Crown, and Informer. Witnesses summoned to the General Court, failing to attend, forfeit 1000 *lb.* Tobacco to the Party grieved.
- Cap. 19. Penalties on Surveyors, for Neglect or Breach of their Duty. *See* Surveyors.
- Cap. 22. Persons employing any Free Indian to hunt, &c. forfeit 1000 *lb.* Tobacco, to the Proprietor of the Land where such Indian is found Hunting, &c. *See* Indians.
- Cap. 25. Collector, or Naval Officer, taking other, or greater Fees, than given by this Act, forfeits, for the first Offence, 100 *l.* to the Queen, and Party injured, second Offence, for ever disabled in his Office, and 20 *l.* to the Informer. Party injured, not prosecuting in Three Months, any other Person may. Prosecution in 12 Months.
- Cap. 27. S. 7, &c. Masters of Ships, &c. permitting Ballast, &c. or dead Bodies, to be cast into any River, &c. forfeit 10 *l.* to the Crown, and Informer.
- Cap. 30. Penalties on Persons convicted of Atheism, Deism, Infidelity, profane Swearing or Cursing, Drunkenness, absenting from Church, or profaning the Sabbath, Adultery, or Fornication. *See* Religion.
- S. 9. Fines arising by this Act, shall be to the Use of the Poor.
- Cap. 32. Penalties on Persons summoned to serve on Juries, failing to attend. On

On County Courts failing to order Summons for Grand Juries. On Sherifs failing to execute, &c. the Summons. *See* Juries.

4 ANNÆ.
Cap. 39.

Penalties on Persons felling Trees, or making Fences in the Highway, or failing to attend in Clearing, the Roads. On Surveyors of Highways neglecting their Duty. On County Courts failing, Annually, to appoint Surveyors, &c. *See* Ways. On Persons appointed to clear Rivers and Creeks, failing in their Duty. On Persons felling Trees into a River, or setting a Weir, and not pulling up the Stakes, &c. *See* Rivers.

Cap. 40. Penalties on Retailers, selling Liquors without seal'd Measures, or without Licence. On County Courts failing to set the Rates of Liquors. On Ordinary-keepers, for Breach of their Duty. On Persons convicted of keeping a Tippling-House, &c. *See* Ordinaries.

Cap. 41. Miller failing in his Duty, or taking unlawful Toll, or not keeping seal'd Measures, and Toll Dish, forfeits 15s. &c. *See* Mills.

Cap. 46. Penalties on Persons tending Seconds, or exposing to Sale, or tendering Tobacco false packed. On Coopers, setting up Tobacco Casks, contrary to this Act. On Buyers refusing to allow 30lb. Tobacco for Cask, &c. *See* Tobacco.

Cap. 48. Penalties on Ministers celebrating the Rites of Matrimony, without Licence, or Publication of Banns. Going out of this Dominion, and there marrying any Inhabitant of this Colony. Publishing Banns, or marrying a Servant, without Certificate from the Master, &c. Granting false Certificate of Publication of Banns. Exacting greater Fees. Refusing to publish, or certify the Banns. On County Court Clerks, failing to take Bond and Security, or issuing Licence, contrary to this Act; or not returning a List of Marriage Licences, Annually; or neg-

lecting to deliver Accounts of the Governor's Dues. On Persons signing Licence not issued as this Act directs. On Feme Sole, aged 12, and under 16 Years, marrying without Consent of Parent or Guardian. On Free Persons marrying with a Servant. *See* Marriages.

Persons importing Free Men, selling such as Slaves, forfeit double the Sum for which such free Person is sold, to the Party from whom the Free Man recovers his Freedom. 4 ANNÆ.
Cap. 49.
S. 5.

Masters whipping a Christian white Servant naked, without Order from a Justice, forfeit 40s. to the Party injured; recoverable by Petition, &c. within 6 Months. Discharging a Sick Servant, so as to become chargeable to the Parish, forfeit 10l. to the Poor of such Parish. S. 7.

Persons trading with Servants, or Slaves, without Licence, shall be imprisoned One Month, without Bail, bound to the Good Behaviour One Year, forfeit 4 Times the Value of the Goods, &c. A Second Offence, shall be a Breach of the Bond. Failing to give Security, 39 Lashes. S. 15.

Penalties on Women Servants delivered of Bastards: On the reputed Fathers of such Children: On Persons marrying with Negroes, or Mulattos: On Ministers celebrating such Marriages: On S. 18.

Persons entertaining Runaways: On Runaway Servants forging, or stealing Certificates: On Constables neglecting to whip, &c. S. 19.

Runaways: On Officers suffering Runaways to work, or escape: S. 20.

On Servants for Running away: S. 21, 29.

On Persons permitting any Slaves, besides their own, to continue S. 30.

upon the Plantation, &c. above 4 Hours: On Negroes, Mulattos, S. 31.

or Indians, lifting their Hands against a Christian: On Owners S. 32.

of Slaves, kept at a Quarter, without an Overseer: On outlying S. 33.

Slaves: On Parish Clerk, or S. 34.

Reader, or the Sheriff, neglecting S. 40.

- ing to publish this Act. *See* Servants and Slaves.
- 4 ANNÆ. Cap. 50. Persons killing Deer, or buying, or receiving, &c. between 1 January, and 31 August, Annually, forfeit 500 lb. Tobacco: One Moiety to the Parish, the other to the Informer.
- Cap. 52. S. 3. Persons taking Conveyances, Leases, &c. of Indians Lands, Tenements, &c. or occupying such Lands, &c. forfeit 10 s. per Acre, to the Crown and Informer.
- S. 13. Rum, or Brandy, shall not be sold, in the Towns, or upon the Lands of Tributary Indians, on Penalty of 10 s. per Quart.
- Cap. 53. S. 8. Persons not licenced, taking Reward for setting any Person over a River, whereon a Ferry is by Law appointed, and kept, forfeit 5 l. to the next Ferryman, if he will inform.
- 9 ANNÆ. Cap. 3. S. 9. Constables suffering a Runaway Seaman to escape, forfeits 500 lb. Tobacco to the Queen.
- S. 10. Ordinary-keeper, or other Person, harbouring, or concealing a Seaman, forfeits 500 lb. Tobacco to the Informer; in Default of Payment, or Security, 20 Lashes.
- Cap. 5. S. 8. Master of a Ship, &c. making short Entry of the Number of Persons imported, forfeits 10 lb. to the Crown, and Informer.
- Cap. 8. S. 2. Naval Officer granting a Permit to load, before Oath made, and Bond given, as this Act directs, he forfeits 200 l. Sterling, to the Crown, and Informer.
- S. 3. If any Mariner crop, cut, injure, &c. Tobacco Cask, or aid, assist, &c. he forfeits 5 l. Sterl. to the Informer, and the Master liable for Damages, to the Party grieved.
- S. 5. Ship Master, Mariner, &c. hindring a Search, forfeits 10 l. Sterl. to the Crown, and Informer.
- Cap. 11. S. 2. Persons commissioned Justices of the Peace, entering upon the Execution of their Office, before taking the Oaths, forfeit 300 l. Sterl. to the Crown, and Informer.
- Witnesses summoned to the County Court, failing to attend, forfeit 350 lb. Tobacco, and liable for Damages to the Party grieved.
- 9 ANNÆ. Cap. 11. S. 21.
- Penalties on County Courts, Vestries, and Persons neglecting their Duty, in Proceffioning Lands, as directed by this Act. *See* Land. On Persons hunting on other Mens Lands, without Licence. *See* Game.
- Cap. 13. S. 31, &c.
- Retailers of Liquors in Houses, Booths, Arbors, Stalls, &c. without Licence, liable to all the Penalties of 4 Ann. Cap. 40. &c.
- Cap. 14.
- Keeper of a Rolling-house, shall not have Horses, Cattle, Swine, &c. upon his Half Acre, unless kept inclosed, on Penalty of 5 s. for every Beast found at large, to the Owner of the Land where found, recoverable before a Justice. Refusing to receive Merchandise, suffering Goods, &c. to be damnified, lost, &c. liable for Damages to the Owner.
- 11 ANNÆ. Cap. 5. S. 7.
- Masters of Families shall give Notice to the Minister of the Parish, of the Birth of every Child, and of every Person dying, on Penalty of 200 lb. Tobacco. Minister shall keep, and return, a Register, on Penalty of 200 lb. Tobacco per Month. Neglecting to read this Act in Churches, forfeits 200 lb. Tobacco. Churchwardens neglecting to provide a Copy of this Act, forfeit 500 lb. Tobacco. One Moiety of the Forfeitures shall be to the Use of the Parish where, &c. the other Moiety to the Informer, recoverable before a Justice of Peace.
- 12 ANNÆ. Cap. 4.
- Horses belonging to Persons unqualified, and Stoned Horses, 2 Years old, and less than 13½ Hands high, found running at large, forfeited to the Taker.
- Cap. 8.
- Owners of Mills, not keeping the Bridge at the Flood-Gates, and Passage at the Peer Head, 10 Foot broad, strong, &c. forfeit 2000 lb. Tobacco, and 200 for every Month the Dam, &c. shall be
- 1 GRO. 1. Cap. 2. S. 2.

be found contrary to this Act; recoverable by the Owner of any other Mill, in the same County, whose Dam is sufficient, who shall first sue, within 2 Months after Forfeiture incurred; otherwise by the Churchwardens of the Parish, to the Use of the Poor, &c.

7 GEO. 1. Cap. 4. Persons appointed Sheriffs, refusing to serve, forfeit 3000 lb. Tobacco to the King. But if any Person so appointed, will make Oath, in open Court, that he is not able to get Security, he shall not be liable for the Penalty.

Cap. 5. Penalties on Persons tending Seconds: Not cutting up, in 20 Days, Tobacco Stalks, Roots, &c. On Sheriffs, neglecting to publish this Act in *June*, and *July*, Annually. See Tobacco.

8 GEO. 1. Cap. 1. S. 7. Persons convicted of Perjury, in obtaining Certificate for the Rewards given to Exporters of Tar, or Hemp, forfeit 4 Times the Value of the Reward, to the Informer.

Cap. 2. Penalties on Persons on Board Ships under Quarentine, leaving such Ship without Licence. On Officers, suffering any Person to quit such Ship. See Quarentine.

Cap. 6. S. 2, &c. Seamen going on Shore, without Leave from their Commander, forfeit 5s. to the Ship Master; failing to pay, or give Security, 10 Lashes. Convicted of Disobedience, or Mutiny, on Board, may be fined 3 Months Pay, besides Corporal Punishment, and shall be bound to the good Behaviour; on Failure, 39 Lashes.

S. 5. Masters of Ships hiring any Seaman who hath belong'd to another Ship, without a Discharge from his former Commander, forfeit 10 l. to the Informer. If a Ship Master discharges any of his Crew, without giving him a Certificate of Discharge, he forfeits 5 l. to such Seaman, recoverable before any Justice of Peace.

Cap. 7. S. 3. Persons setting a Hedge cross any River, or Creek, forfeit 200 lb. Tobacco; suffering such to continue, after Conviction, 100 per

Week, to the Informer; recoverable, with Costs, before any Justice of either County.

Military Fines and Penalties. See 9 GEO. 1. Cap. 2. Militia.

Penalties on Negro, Mulatto, or Indian Witnesses, not being Christians, giving false Testimony. On

Persons permitting more than 5 Slaves, besides their own, to be upon their Plantation, &c. On

white Persons, free Negros, Mulattos, or Indians, found in Company with Slaves, at unlawful Meetings, or harbouring any Slave.

On Slaves unlawfully assembled. S. 12.

On Justices of Peace, Sheriffs, and Constables, neglecting to disperse, and apprehend Offenders. On

Slaves coming to any Plantation, without their Masters Licence.

On Negros, Mulattos, or Indians, carrying, or keeping, Gun, Ammunition, or Weapon. See Servants and Slaves. S. 14.

Liquors, liable to a Duty, landed before Entry made, or Duties paid, or without Warrant from the Collector, shall be forfeited. S. 5.

The Contents of every Cask shall be entred, upon Oath, on Penalty of double the Value. Persons

making false Entry, forfeit 100 l. Master of every Vessel, importing

Liquors, shall enter the Burthen, Contents, and Lading of such Vessel; and the Marks and Numbers of every Cask of Liquors on Board, on Penalty of 100 l. S. 7.

Collector, or his Deputy, taking any Bribe, or conniving at a false Entry, forfeits 100 l. disabled in Office. Person giving or paying any Bribe, forfeits 100 l. S. 12.

Persons transporting Liquors, &c. from one District to another, without Certificate from the Collector, forfeit the Value of such Liquors. S. 22.

The Forfeitures arising by this Act, for laying a Duty on Liquors, shall be, One Third to the King, One Third to the Governor, and the other Third to the Informer. S. 16.

Sheriff failing to give Notice of Runaways committed to the County Goal;

Goal, forfeits 500 lb. Tobacco.
Clerk, or Reader, failing to pub-
lish such Notice, forfeits 200 lb.
Tobacco to the King, and In-
former.

12 GEO. 1. Sheriff, or Goaler, taking greater
CAP. 4. Fees for Runaways, than given
S. 12. by this Act, forfeits 20 s. to the
Party grieved; and shall repay
all Money or Tobacco by him re-
ceived, over and above his Due;
recoverable before a Justice of
Peace.

S. 20. Any Person, other than a Servant, forging a Pass, forfeits 10*l.* to the King, and Informer. Servants forging, or making Use of such, Pillory 2 Hours, and 30 Lashes.

Cap. 6. S. 22. S. 3.

Whoever shall bring, sell, buy, or receive Tobacco from *North-Carolina*, or the controverted Bounds, forfeits 10*l*. for every Hogshead, Barrel, or Parcel, to the King, and Informer. Such Tobacco may be seised and sold: Monies arising by the Sale, after Deduction of Charges, shall be One Moiety to the King, the other to the Officer making the Seizure.

Cap. 7. Persons neglecting to destroy Hedges,
S. 2. by them placed cross any River,
or Creek; or setting any such
Hedge, &c. forfeit 500 *lb.* To-
bacco; or suffering such to con-
tinue, after Conviction, 500 *lb.*
Tobacco *per* Week, besides all
former Penalties; recoverable,
with Costs, by the Informer.

S. 3. Whoever shall fell a Tree into any River, or Creek, and not remove the same in 48 Hours, forfeits 15*s.* *per* Tree, to the Informer; recoverable before a Justice of Peace.

1 GEO. 2. Attorney engaging to appear for
Cap. 3. any Defendant, and failing to en-
S. 4. ter an Appearance, forfeits 50 s.
to the Plaintiff.

S. 20. Every Person summoned as a Witness at any County Court, failing to attend, forfeits 350 *lb.* Tobacco, to the Party at whose Suit the Summons issued, and liable to further Damages: But if sufficient Cause of Inability to at-

tend, be shewn at the next Court,
no Penalty shall be incurred.

Any Inhabitant of this Colony, who shall entertain, above 48 Hours, any Tithable Person, without Certificate from the Parish where he or she before resided, forfeits 20 s. or 200 lb. Tobacco, to the Informer; recoverable before a Justice of Peace.

Churchwarden refusing to receive any poor Person, belonging to the Parish, and removed thither by Warrant from a Justice, forfeits 20 l. Current Money, to the Poor, and the Informer. S. 7.

Masters of Ships, who turn on Shore sick or disabled Sailors, without Means of Subsistence, forfeit 10*l.* to the Poor of the Parish where, &c. and liable for Charges, &c.

Every lewd Woman, delivered of S. 13.
a Bastard, forfeits 50 s. or 500 lb.
Tobacco, and Cask, to the Use
of the Parish; on Failure of Pai-
ment, 25 Lashes. And every S. 14.
Housekeeper, where such Child
shall be born, shall give Notice
to the Churchwardens of the Pa-
rish, and secure the Woman, un-
der the like Penalties.

Persons convicted of winning by Fraud, any Money, or by Betting, &c. shall forfeit Five Times the Value, be deemed infamous, and suffer as in Cases of wilful Perjury.

Assaulting, &c. on Account of S. 12.
Money won by Gaming, Penal-
ty 10 l. to the Party grieved, and
further liable to the Action of such
Party, at the Common Law.

Persons refusing to receive Money, at the Rates set by this Act, *For the better regulating and ascertaining the current Rates of Silver Coin within this Dominion,* &c. forfeit the Sum tendred, to the Party tendring; recoverable by Action, &c. but if under 20 s. before a Justice of Peace.

Grain put on Board for Exportation, during a Prohibition, shall be forfeited, and double the Value thereof may be recovered of the

Cap. 181
S. 3.

the Owners ; One Third to the King, One Third to the Governor, and the other Third to the Officer, or Informer.

5 & 6
GEO. 2.
Cap. 10.
S. 4, 5. Clerk of the Secretary's Office, or County Court, Sheriff, Coroner, or Constable, taking unlawful Fees, forfeits 2000 *lb.* Tobacco, to the Party injured. Prosecution in 12 Months. Clerk of the Secretary's Office, failing to set up, and keep, in his Office, a fair Copy of the Table of Secretary's Fees, forfeits 2000 *lb.* Tobacco, for every Day such Copy is missing. County Court Clerk failing to set up, &c. in the Court-House of his County, such Copy of his Fees, forfeits 1000 *lb.* Tobacco *per* Day. The Penalty in both Cases to the Informer.

1 GEO. 2.
Cap. 12.
S. 6. Owners of Iron Mines suffering any exempted Person to work in Tobacco, shall, that Year, lose all Benefits of Exemption, and forfeit 500 *lb.* Tobacco for every Tithable upon the Plantation where such Tobacco is made ; if done without the Owner's Consent, &c. the Overseer liable for the Penalty, to the King, and Informer.

FORGERY.

4 ANNÆ.
Cap. 48.
S. 3. Minister, Clerk, or Reader, granting a false Certificate of Publication of the Banns of Marriage, liable to be prosecuted for Forgery, over and above other Fines and Penalties.

Cap. 49.
S. 21. Servants forging, a Certificate of their Freedom, shall be pilloried 2 Hours, &c. Free Persons forging such Certificate, forfeit 10 *l.* or 39 Lashes. *See* Servants and Slaves.

12 GEO. 1.
Cap. 4.
S. 20. Any Person forging a Pass, forfeits 10 *l.* to the King, and Informer. Servants forging a Pass, or knowingly making use of such, Pillory 2 Hours, and 30 Lashes.

FRONTIERS.

An Act for Encouragement of the Land Frontiers. 4 ANNÆ.
Cap. 17.

On a Division of Frontier Counties, 800 Tithables, at least, shall be in the Upper County. The Charge of Public Buildings shall be equally divided. But if the Upper Inhabitants pray for a Division, they shall claim no Privilege given by this Act. S. 2.
S. 3.

Negros, Mulattos, or Indians, seated at Frontier Plantations, may be licenced by a Justice of Peace, to keep and use Arms and Ammunition, Offensive, or Defensive. 9 GEO. 1.
Cap. 4.
S. 15.

GAME.

An Act to prevent killing Deer at unseasonable Times. 4 ANNÆ.
Cap. 50.

Persons killing Deer, or buying, or receiving Deer killed, between 1 *January*, and 31 *August*, Annually, forfeit 500 *lb.* Tobacco, for every Deer so killed. S. 1.

Masters ordering their Servants, or Slaves, to kill Deer, contrary to this Act, liable for the Penalty : But Servants, or Slaves, so killing, &c. without Order, shall receive 30 Lashes, or give Security for paying the Fine, in Six Months. One Moiety of the Forfeitures shall be to the Churchwardens of the Parish, where, &c. for the Use of the Parish, the other Moiety to the Informer. S. 2.
S. 3.

Persons who shall shoot, hunt, or range, upon Lands, &c. or fish, or fowl, in Creeks, &c. belonging to other Persons, without Licence from the Owner, being convicted by Oath of One Witness, or Confession, forfeit 500 *lb.* Tobacco to the Party grieved, and liable for further Damages. On a 3d Conviction, shall find Sureties, in 10 *l.* *Sterling*, for the Good-Behaviour, One Year, or be 9 ANNÆ.
Cap. 13.
S. 40.

be committed to Goal, over and above the other Penalties.

G A M I N G.

1 GEO. 2. An Act for preventing of excessive and deceitful Gaming. Cap. 8.

S. 1. After 1 April, 1728, all Promises, Notes, Mortgages, &c. where all, or Part of the Consideration is for Money won at Gaming, or Betting, or for Repayment of Monies lent at such Gaming, shall be void.

S. 2. Lands, &c. mortgaged, or conveyed, on such Consideration, shall devolve on such Persons as should have been entitled to the same, if such Grantor had been dead. And all Conveyances to hinder such Lands from devolving, shall be void.

S. 3. The Loser of 10 l. at Cards, &c. at one Sitting, may sue the Winner for the Money, within 3 Months: And if the Loser does not sue, any other Person may, and shall recover the same, and treble Value, with Costs: One Moiety to the Prosecutor, the other to the Poor of the Parish, where, &c.

S. 5. The Person sued shall answer upon Oath, to discover the Money won: And,

S. 6. Discovering and repaying, indemnified from other Punishment.

S. 7. Persons convicted of winning by Fraud, any Money, or by Betting, to forfeit Five Times the Value, be deemed infamous, and suffer, as in Cases of wilful Perjury. The Penalty recovered, shall be to the Informer.

S. 9. Two Justices may cause Persons who have no visible Estates, &c. to be brought before them; and if they cannot make it appear, that they do not maintain themselves by Gaming, shall find Sureties for their Good-Behaviour for Twelve Months, or be committed.

S. 10. Persons finding Sureties, and playing for above 5 s. Value, during the Time, forfeit their Recognizance.

Persons assaulting, on Account of Money won by Gaming, forfeits 10 l. to the Party grieved, with Costs, and liable to the Action of such Party, at Common Law. 1 GEO. 2. Cap. 8. S. 12.

G O V E R N O R.

Ministers to be inducted by the Governor. See Clergy. 18 CAR. 2. Cap. 4.

Whoever shall maliciously and advisedly, by Writing, Speaking, &c. publish any Words, &c. tending to the Dishonour, or Defaming the Governor, or Commander in Chief, for the Time being, &c. Shall be imprisoned One Year, without Bail or Mainprize, and may be fined 500 l. See Pardon. 32 CAR. 2. Cap. 1. S. 14.

The Governor may grant Letters of Naturalization to Aliens, who shall take the Oaths, &c. Fees for the Letters Patents, viz. to the Governor, 40 s. and to the Clerk, 10 s. See Naturalization. Cap. 2.

Writs for Elections of Burgeses shall be signed by the Governor, and delivered to the Secretary, &c. See Assembly. 4 ANNÆ. Cap. 2. S. 2.

Every County Court shall Annually recommend Three Justices to the Governor, who shall commission One of them to be Sheriff of that County for the Year ensuing. Cap. 5. S. 1.

The Governor may continue a Sheriff in his Office, 2 Years successively. S. 2.

The Governor, and his Family, exempted from being Tithable. Cap. 7. S. 8.

For every Licence for keeping an Ordinary, 35 s. Current Money shall be paid to the Governor. Cap. 40. S. 5.

For every Licence of Marriage, 20 s. or 200 lb. Tobacco, shall be paid to the Governor. Cap. 48. S. 7.

Every County Court Clerk shall Annually, in October, return to the Governor, a List of Marriage Licences by him issued; and deliver to the Public Collector, an Account of the Governor's Dues. Ibid.

The Governor, with Advice of Council, may, by Charter, grant to Discoverers of Indians situate Westward Cap. 32. S. 14.

- Westward of the Mountains, sole Liberty of Trade for 14 Years.
- 7 GEO. I. If the County Court fails to recommend Three Persons, the Governor may appoint any One of the Justices in Commission, tho' not sworn, to be Sheriff. Cap. 4.
- If One of the Persons recommended, dies in the Time of his Sherifalty, he is to be succeeded by One of the Survivors; but if the Sheriff appointed on Failure of Recommendation, dies, the Governor may commissionate any other in the Commission of the Peace, to succeed the Deceased.
- 8 GEO. I. All Ships under Quarentine, with the Persons, Goods, &c. on Board, shall be subject to Orders issued by the Governor, in Council, and notified by Proclamation. Cap. 2.
- 9 GEO. I. The Governor, for the Time being, may issue Commissions of Oyer and Terminer, to such Persons as he shall think fit, for the Arraignment and Trial of Slaves, committing capital Crimes. Cap. 4. S. 3.
- 10 ANNE. Probats of Wills, and Commissions of Administration, &c. shall be signed by the Governor, or Persons by him authorised. Cap. 2. S. 9.
- 11 GEO. I. The Governor, or Commander in chief, for the Time being, may appoint a Magazine-Keeper, and Armourer, &c. See Magazine. Cap. 3. S. 5.
- 9 GEO. I. The Governor, or Commander in Chief for the Time being, empowered, from Time to Time, to issue his Warrants to the Treasurer, for all Public Payments, due by Order, or Act of Assembly. Cap. 8. S. 9.
- 12 GEO. I. The Governor, &c. for the Time being, with Advice of the Council, empowered from Time to Time, to appoint Collectors of the Duties upon Liquors, and their Salaries, not exceeding 6 per Cent. &c. Cap. 1. S. 17.
- Cap. 2. In Case of the Death, Departure out of the Colony, or other legal Disability of the Treasurer of Virginia, the Governor, with Advice of the Council, may appoint another Person to execute the Office, 'til the next Session of Assembly. S. 4.

Upon any Invasion, or Insurrection, the Governor, or Commander in Chief, for the Time being, may raise, and march the Militia of this Colony, to any Place within this Dominion, and may disband the Forces, &c. And, for Discovery of Enemies by Sea, may appoint Look-outs, in each of the Counties of *Elizabeth-City*, *Princess-Anne*, and *Northampton*, to observe the Courses of Ships upon the Coasts, and give Intelligence, &c. May appoint such Part of the neighbouring Militia, as he thinks fit, to guard the Batteries, &c. 1 GEO. 2. Cap. 7. S. 2. S. 7. S. 20.

H I D E S.

Skins. Furrs.

Duties on Hides, Skins, and Furrs, 4 ANNE. Cap. 29.	
exported, viz.	d. q.
Every Hide, raw,	3. 0.
drest,	6. 0.
Buck Skin, drest,	1. 3.
undrest,	1. 0.
Doe Skin, drest,	1. 2.
undrest,	0. 3.
Otter Skin,	2. 0.
Wild Cat,	1. 2.
Mink,	1. 0.
Fox,	1. 2.
Elk,	4. 2.
Bever Skins, per Pound,	3. 0.
Racoon, per Doz.	3. 0.
Musk-Rat, per Doz.	2. 0.
To be paid by the Exporter, before the Goods are shipped off.	

H O R S E S.

An Act to restrain the keeping too great a Number of Horses, and Mares; and for amending the Breed. 12 ANNE. Cap. 8.

After 30 June, 1714, no Inhabitant of this Colony, who is not a Freeholder of 50 Acres, or occupies Lands, &c. of 20 l. Value, or pays 50 s. Annual Rent, shall keep more than one Gelding, or spay'd Mare, on Penalty of Forfeiture, &c. Method of Proceeding. S. 2.

ceeding upon taking up Horses, belonging to Persons disabled by this Act.

^{12 ANNÆ.} ^{Cap. 8.} ^{S. 3.} Stoned Horses, of 2 Years old, and not 13½ Hands in Height, found at large, may be seized, brought before a Justice of Peace, the Taking up proved, his Certificate obtain'd; and, after public Notice given at Church and Court-house, the Property of such Horse vested in the Taker-up, unless redeemed by the Owner, with 400 lb. Tobacco, and Cask, within 2 Months after Notice.

^{S. 5.} Overseers, not being Freeholders, and all Servants, disabled from keeping any Horse, Mare, or Colt, without Licence in Writing from their Master; or more than one, altho' licenced, on Penalty of Forfeiture, to the Taker.

IMPROVEMENT.

Seating. Planting. Cultivation.

^{13 CAR. 2.} ^{Cap. 70.} ^{S. 2.} Seating upon others Dividends. If any Person hath seated upon Lands, supposed his own, but proving to belong to another, the Improvements shall be valued by 12 Men, upon Oath; and such Valuation shall be paid by the Owner of the Land, to the Seater. If the Owner refuses to pay, the Land shall be valued, by the same Persons, and paid for, by the Seater, to the Owner. But no Allowance for Improvements made after Warning given.

^{Cap. 112.} Two Acres of Corn for each Tithable.

Two Acres of Corn, or one Acre of Wheat, shall be tended for each Tithable, on Penalty of 500 lb. Tobacco, for every Acre neglected.

^{12 ANNÆ.} ^{Cap. 3.} ^{S. 4.} For every 50 Acres of plantable Lands, the Patentee shall, within 3 Years after the Date of his Patent, clear 3 Acres, or drain 3 Acres of Marsh: For every 50 Acres of Barrens, shall put

and keep on the Lands, 3 Neat Cattle, or 6 Sheep, or Goats:

On Lands unfit for Cultivation, ^{12 ANNÆ.} ^{Cap. 3.} ^{S. 5.} shall build one Dwelling-house, 20 Foot long, and 16 Foot broad, at the least; and keep the like Number of Cattle, Sheep, or Goats: For every 100 Acres of rocky or stony Grounds, shall work one able Hand, 3 Years, in digging a Quarry, or Mine.

Three Acres of Pasturage, clear'd, ^{7 GEO. 1.} ^{Cap. 3.} ^{S. 2, &c.} fenced, and used 3 Years; 10 l. Value in Orchards, Buildings, or other Improvements, shall save 50 Acres. How Improvements may be valu'd, and recorded. See Land.

IMPRISONMENT.

Prison. Prisoner, Goaler. Prison-Bounds. Pillory. Whipping-Post. Stocks. Ducking-Stool. Prison-Fees.

Persons defaming the Governor, or ^{32 CAR. 2.} ^{Cap. 1.} ^{S. 14.} Commander in Chief of this Colony, shall be imprisoned 1 Year, without Bail.

Defaming a Councillor, Judge, or ^{S. 15.} Principal Officer, 3 Months Imprisonment, without Bail.

Breakers of Prison may be apprehended at any Time and Place. ^{4 ANNÆ.} ^{Cap. 3.} ^{S. 7.} See Sheriffs.

An Act directing the building, and ^{Cap. 10.} maintaining of Prisons, Pillories, Whipping-Posts, Stocks, and Ducking-Stools, in every County; and for settling the Rules of Prisons.

Every County Court shall cause to ^{S. 1.} be erected, kept in Repair, &c. a Prison, Pillory, Whipping-Post, and Stocks, at the County Charge. Penalty on every Magistrate failing, 500 lb. Tobacco, and liable for Damages, upon any Escape: General Court to award Judgment for the Penalty. ^{S. 2.} County Courts may erect Ducking-Stools, and mark out Prison-Bounds, not exceeding 10 Acres; which Bounds shall be recorded, and the Marks renewed, from Time to Time. Prisoners, (except

- cept Traitors, or Felons,) giving Security, shall have Liberty of the Bounds.
- 4 ANNÆ. Person convicted of Hog-stealing, shall, for the second Offence, stand in the Pillory 2 Hours, with both Ears nailed thereto, and then cut loose. See Swine. Cap. 14. S. 1.
- Cap. 19. Witnesses refusing to give Evidence, upon Oath, shall be committed to Goal. S. 30.
- Cap. 30. Person convicted of Atheism, &c. shall, for the second Offence, be incapable to bear Office, and suffer 3 Years Imprisonment, without Bail or Mainprize. See Religion. S. 30.
- Cap. 33. Goalers Fee, for keeping Criminals in Prison, 5 lb. Tobacco per Diem. S. 6.
- Cap. 48. Minister celebrating Rites of Matrimony, without Licence, or Publication of Banns; or going out of this Dominion, and there so marrying any Inhabitant of this Colony; Person issuing a false Certificate of the Publication of Banns; County Court Clerk issuing a Marriage Licence, in other Manner than prescribed by this Act, and the Person signing such Licence, shall forfeit 500 l. and be imprisoned one Year, without Bail. S. 1, &c.
- Cap. 49. Persons trading with Servants, or Slaves, without their Masters Licence, shall be imprisoned one Month, without Bail.
- Intermarrying with Negros, or Mulattos, 6 Months Imprisonment. See Servants and Slaves.
- 10 ANNÆ. An Act for building a Prison, for Debtors, to be committed by the General Court. Cap. 3.
- S. 2. One Lot to be purchased in *Williamsburg*, and appropriated for a Prison, to be built thereon.
- S. 3. The Governor may contract with Undertakers, for the building, not exceeding 200 l. Shall be called, The General Court Prison, for Debtors.
- S. 5. Sheriff of *York County* shall be Keeper of the Prison. His Salary to be paid by the General Assembly. For insolvent Debtors, 6 d. per Diem, for their Sub-
- sistence: But no Fee or Security shall be by them given to the Prison-Keeper.
- Persons convicted of leaving a Ship under Quarentine, failing to pay the Fine, shall be committed to the County Goal, for any Time, not exceeding one Month.
- An Act for making the Public Prisons, in *Williamsburg*, more convenient; and for building a House for the Keeper thereof. Cap. 9.
- Three Hundred and Fifty Nine Pounds appropriated for Buildings, to be added to the Public Prison. Commissioners appointed to employ Workmen, furnish Materials, &c. S. 2.
- The Prison for Debtors. Goal for Criminals. The Keeper exempted from serving in the Militia, or on Juries; and made Keeper of the Goal for Debtors. S. 4.
- If a Soldier disobeys the Command of his Officer, or is disorderly, or refractory at Musters, the Commanding Officer then present, may, on a second Offence, commit him to the County Goal, 10 Days, &c. In Case of Invasions, Insurrections, &c. if a Soldier refuses to obey his Captain, he shall be committed to the County Goal, by Warrant, under the Hand of such Captain, for 3 Months, without Bail, or Mainprize. S. 14.
- If any Negro, Mulatto, or Indian, not being a Christian, shall give a false Testimony, before any Court of Oyer and Terminer, &c. he shall have one Ear nailed to the Pillory, and there stand one Hour; then such Ear cut off, and the other nailed, and, after the Expiration of one other Hour, cut off also: After which, he shall receive 39 Lashes. Cap. 4. S. 4.
- Prisoners in Execution for Debt, &c. giving Bond and Security, may have Liberty of the Prison Bounds. 12 GEO. 1. Cap. 3. S. 23.
- Person escaped, retaken on Warrant, &c. shall be committed, without Bail, or Mainprize, to the Goal of that County where retaken. S. 14.
- If such Prisoner be removed, for any

- any Matter, on Behalf of the King, to any other Prison, he shall be in Custody of such Goal.
- 12 GEO. 1. The Act for Relief of poor Prisoners for Debt, &c. See Insolvent Debtors. Cap. 3. S. 30, &c.
- Cap. 4. For the Commitment of Runaways, belonging to Persons unknown, and the Prison Fees, See Servants and Slaves.
- S. 8. The Keeper of the Public Goal, may, by Consent of the General Court, or the nearest County Court, hire out Runaways, &c.
- S. 10. But shall put an Iron Collar on the Neck of every Runaway, so let to hire; and thereafter shall not be answerable for any Escape.
- S. 14. Shall send, to some Place hereafter to be appointed, a Description of Runaways, committed to the Public Goal, and belonging to *Maryland* or *Carolina*.
- 16 GEO. 2. Persons armed out of His Majesty's Stores, imbezzling or detaining any Arms, Accoutrements, or Ammunition, to them delivered, shall be imprisoned, by Warrant under the Hand of the County-Lieutenant, or Chief Commanding Officer, 'til Satisfaction made. Cap. 5. S. 22.

INDIANS.

- 15 CAR. 1. An Act concerning the *Northern Indians*. Cap. 17.
- 17 CAR. 2. An Act concerning the *Indians*. Cap. 8.
- 32 CAR. 2. An Act reviving and reinforcing an Act made at *James City*, the 20th of *October*, 1665; and putting the same in due Execution. Cap. 14.
- 4 ANN. E. *Indians* Hogs shall be marked with the common Mark of each respective Town. Whoever buys, or receives Pork, from an *Indian*, and cannot prove it was so marked, forfeits 1000 lb. Tobacco, &c. See Swine. Cap. 14.
- Cap. 25. An Act to prevent *Indians* Hunting and Ranging upon patented Lands.
- S. 1. Persons employing any free *Indian*, to hunt upon patented Lands, forfeit 1000 lb. Tobacco, to the Proprietor of the Land where such *Indian* shall be found hunt-

- ing. The Gun and Ammunition of such *Indian*, may be seized by such Proprietor. Persons sued, may plead the General Issue: And the *Onus probandi* shall lie upon the Defendant. This Act shall not extend to the *Pamunkey*, *Chickahominy*, or the *Eastern Shore Indians*.
- Indian*, &c. lifting his Hand in Opposition to a Christian, not being a Negro, &c. shall, for every Offence, proved by Oath of the Party, receive 30 Lashes, &c. See Servants and Slaves. Cap. 49. S. 34.
- An Act for Prevention of Misunderstandings between the Tributary *Indians*, and other Her Majesty's Subjects of this Colony and Dominion; and for a free and open Trade with all *Indians* whatsoever. Cap. 52.
- All Tributary *Indians* disabled from Conveying, in Fee, for Life, or for Years, any Lands held or claimed by them. S. 2.
- Persons taking Conveyances, or Leases, of *Indian* Lands, Tenements, &c. or Occupying such Lands, forfeit 10 s. per Acre. S. 3.
- Saving to *George Shilling*, *Michael Waldrop*, and the Heir of *George Southerland*, &c. S. 4.
- The Bounds of *Indian* Towns, seated on navigable Rivers, shall be limited by the River. S. 5.
- Tributary *Indians* shall be protected in their Persons and Properties, according to Law, equally with *English* Subjects: Shall have Liberty of Oistering, Fishing, &c. by Licence from a Justice of Peace, wherein their Time of Stay shall be limited. S. 6.
- Shall not carry offensive Arms: S. 9.
- Shall give Notice of the Approach of Foreign *Indians*, to the next Militia Officer; and if they desire Aid, Parties of Militia may be raised, and sent out with them: Shall march and continue with the *English*, when commanded, &c. S. 10.
- Free Trade with all *Indians*; but Rum or Brandy shall not be sold in the Towns, or upon the Lands of S. 11.
- S. 12.
- S. 13.

of Tributary *Indians*, on Penalty of 10 s. *per* Quart; cognisable before a Justice of the County where, &c.

4 ANNÆ Cap. 52. S. 14. The Governor may, by Charter, incorporate Discoverers of *Indians*, situate Westward of the Mountains, with sole Liberty of Trading, for 14 Years.

8 GEO. I. Cap. 3. An Act for enforcing and rendring more effectual the Treaties already made, or hereafter to be made, with Foreign *Indians*.

S. 2, 3. After Ratification of the Treaty of *Albany*, no Tributary *Indians* shall cross *Potowmack* River, or pass Westward of the great Ridge of Mountains, without Licence from the Governor of *Virginia*: And no *Indians* of the *Five Nations* shall pass Southward of the same River, or Eastward of the said Ridge of Mountains, without a Passport from the Governor of *New-York*. Offenders against this Act, punishable by Death, or Transportation, and may be killed, or sold for Slaves.

S. 4. Governor and Council may hold Courts, for Trial of Offenders.

S. 5. For every such *Indian* condemned to Death, the Person by whom he was taken Prisoner, shall have a Reward of 1000 lb. of Tobacco, to be paid by the Public: And if such *Indian* is condemned to Transportation, the Taker shall have the Money for which the *Indian* is sold. But the Governor and Council may mitigate, or remit the Punishments.

S. 7. All *Indians*, who hereafter become Tributaries, or agree to Bounds and Limits, &c. shall be liable to the Punishments inflicted by this Act.

9 GEO. I. Cap. 4. S. 4. Penalty on *Indian* Witnesses, giving false Testimony, before a Court of Oyer and Terminer. See Servants and Slaves.

S. 10. Free *Indians*, found in Company with Slaves, at unlawful Meetings, or harbouring a Slave, forfeit 15 s. or 150 lb. Tobacco: On Failure of present Paiment, 20 Lashes.

If any Gun, Ammunition, or Weapon, be found in the Hands or Custody of an *Indian*, the Arms, &c. may be seized, and the Offender whipp'd: But *Indians*, living at Frontier Plantations, may be permitted, by Licence from a Justice of Peace, to keep and carry Arms, &c.

All free *Indians*, (Tributaries excepted) above the Age of 16 Years, and all Wives of such, shall be accounted Tithables.

All *Indians* whatsoever disabled from voting at public Elections.

INFANT.

Infancy.

Lands descending to an Infant, Feme Covert, or Person out of the Country, shall not lapse until 3 Years after the Death of the Patentee.

Infant, Feme Covert, Lunatick, Person imprisoned, or out of the Country, may, within 6 Years after Disabilities removed, controvert the Bounds of Lands processioned during their respective Incapacities.

Infant, &c. may contest the Probat of Wills, &c. within 10 Years after Incapacities removed.

An Act to prevent Land lapsing from Infants, for not seating and planting, or not paying Quit-Rents, until 3 Years after they come of Age.

When the Patentee dies within 3 Years after the Date of his Patent, without Seating, &c. and the Lands descend to an Infant, the Guardian shall be compellable, by the County Court, to give Security for Paiment of the Quit-Rents: And if Distress is not found upon the Lands of any Infant, to satisfy the Quit Rents, the Sheriff may distrain the Goods of the Guardian. But if, by Neglect of the Court, or of the Sheriff, the Quit Rents are not levied, the Lands shall not lapse, until 3 Years after the Infant has attained

11 ANNÆ.
Cap. 4.
S. 4.

attained his full Age of 21. If the Inheritance descends to a Female, and she marries before the Age of 21, the 3 Years shall commence from the Time of Coverture.

1 GEO. 2. Any Infant, above the Age of 18
Cap. 11.
S. 5. Years, may bequeath Slaves, by Will in Writing.

S. 18, 19. Bills in Equity may be exhibited for Recovery of Dower, or Partition of Slaves, or a Proportion of the Value of Slaves to the younger Children; and the Defendant shall be compelled to answer, altho' under the Age of 21 Years.

INHERITANCE.

Heir.

4 ANNÆ.
Cap. 23.
S. 10, 11.

Slaves of Persons dying intestate, after the Widow's Dower set apart, shall be appraised, and the Value divided among the Children, &c. to be paid by the Heir. Widow seised of Slaves, as of her Dower, transporting any of them out of this Colony, without Consent of the Heir, forfeits all her Dower: And if the Husband of such Widow shall so transport, &c. the Heir in Reversion may enter, and hold her Estate, during the Life of such Husband. See Servants and Slaves.

Cap. 33. Heir of an Intestate, besides the Land, shall have an equal Share of all other Estate. See Distribution.

Cap. 48. Feme Sole, of the Age of 12, and under 16 Years, marrying without Consent of Parent, or Guardian, or Publication of Banns, shall lose her Inheritance, and the next Heir may enter, and hold her Estate, during such Coverture; but after Determination thereof, her Estate shall revert, and remain to the Feme, and her Right Heirs.

9 ANNÆ. Guardian, or Husband, &c. suffering
Cap. 13.
S. 23. Lapse of Lands, descending to an Infant, or Feme Covert,

&c. shall be answerable to the Heir.

Heir in Reversion, or Remainder, may, within 6 Years after the Death of the Tenant for Life, controvert the Bounds of Lands proceffioned in the Life Time of such Tenant.

Slaves, &c. employed in the Crop, shall continue upon the Plantation, 'til 25 December, and then shall be delivered to the Heir. See Servants and Slaves.

If the Inheritance of Lands, not seated, &c. descends to a Female, and she marries before the Age of 21, the 3 Years allowed by this Act, for seating, &c. shall commence from the Time of Coverture.

After 1 April, 1728, all Mortgages, Securities, or Conveyances of Lands, &c. or where such Mortgages, &c. shall incumber Lands and Tenements, and all or Part of the Consideration, is for Money, won by Gaming, or Betting, or for Repayment of Monies, lent at Gaming, &c. shall be void, and the Lands, &c. shall devolve on such Persons as should have been entitled to the same, if such Grantor had been dead: And all Grants, &c. to hinder such Lands from devolving, shall be void.

When a Mother dies intestate, leaving Slaves, other than of her Dower, the Heir shall pay a Proportion to the younger Children.

INSOLVENT DEBTORS.

Prison Allowance, for keeping Insolvent Debtors, shall be paid by the General Assembly: But no Fee or Security shall be by such poor Prisoners given to the Prison-Keeper.

Upon Petition of any Person taken in Execution, and having continued in Prison 20 Days, any Justice of Peace may, by Warrant under his Hand and Seal, require the Sheriff to bring the Body of such Prisoner before the next

next Court, with a List of the Executions with which he is charged. Notice to be given to Creditors. The Prisoner shall deliver a Schedule of his Estate, subscribe, and make Oath to the Truth of it, in open Court. The Oath. Schedule to remain with the Clerk.

12 GEO. 1.
Cap. 3.
S. 31.

The Prisoner's Estate, Real and Personal, contained in such Schedule, vested in the Sheriff of the County where such Estate shall be. The Sheriff shall sell, and convey such Estate, and shall pay to the Creditors the Monies arising by such Sale; saving the Prisoner's necessary Apparel, and Utensils of Trade.

S. 32. The Schedule being delivered, and Oath made, the Court, or any Four of the Justices, shall, by Warrant, command the Sheriff, to discharge such Prisoner; which Warrant shall indemnify the Sheriff. Officer, if sued, may plead the General Issue, and give this Act in Evidence.

S. 33. None to have Benefit, who owe above 10*l.* current Money, or 2000*lb.* Tobacco, to one Person.

S. 34. Creditors may, at any Time afterwards, sue forth a *Scire facias*, to have new Execution against Goods or Chattels acquired by such Prisoner.

S. 35. Prison Fees of all Insolvent Debtors shall be paid by the County, for the first 20 Days, afterwards by the Creditor.

S. 36. Notwithstanding a Discharge of such Prisoner, he shall be liable to the Creditor's Action for such Fees; and Judgments shall stand good against his Lands and Tenements, Goods and Chattels.

J U D G M E N T.

13 CAR. 2.
Cap. 61.
S. 1.

Judgment before Commissioners. The Acknowledgment of a Debt before 2 Justices, (*Quorum unus*) shall be equal to a Judgment; and Execution may issue thereupon.

All Acts, Judgments, &c. of Governor and Council, Courts of Judicature, Magistrates, &c. passed after the Death of the King, and before Notification of the Successor, shall be valid, &c. See Assembly.

4 ANNA.
Cap. 28.
S. 3.

When any Judgment, Statute, or Recognizance, shall be extended, the Execution shall not be avoided, or delay'd, because Part of the Lands alien'd are extended, and other Part omitted, &c.

12 GEO. 1.
Cap. 3.
S. 11.

Judgment against Defendant and Sheriff, or Defendant and Bail, may be set aside by Appearance, on the first Day of the General Court next succeeding the Return of the Process, and pleading to Issue immediately.

1 GEO. 2.
Cap. 3.
S. 6.

If an Attachment return'd executed, &c. the Plaintiff shall file his Declaration, and be entitled to a Judgment for his whole Debt; and if the Judgment be not satisfied by the Goods attached, the Plaintiff may have an Execution for the Residue.

S. 9.

If any Attachment, returnable to the County Court, or before a Justice of Peace, shall be return'd executed, and the Goods be not replevied, &c. the Plaintiff shall have Judgment for his whole Debt; and may take Execution thereupon.

S. 23.

J U R I E S.

Jurors.

An Act concerning Juries. County Courts shall order Summons for 24 Freeholders, to appear at *May* and *November* Courts, Annually, and impanel a Grand Jury, to present Offenders against penal Laws. Grand Juries making Presentments, other than of their own Knowledge, shall write the Names of the Informers under such Presentment: Shall not present, as of their own Knowledge, upon Information of less than Two of their Number. Freeholders failing to appear, upon

4 ANNA.
Cap. 32.
S. 2, &c.

- on Summons, shall be fined 200 *lb.* of Tobacco, to the County: Court failing to order Summons, or to swear a Grand Jury, upon the Appearance of 15, every Justice forfeits 400 *lb.* of Tobacco. Sheriff failing to execute the Summons, forfeits 1000 *lb.* Tobacco, &c.
- 4 ANN. 7. Sheriff attending the General Court, may summon a Grand Jury of the By - Standers: Persons so summoned, failing to appear, forfeit 400 *lb.* Tobacco, &c. Cap. 32, S. 3.
- S. 5. All Civil Causes, in the General, and County Courts, shall be tried by a Jury of 12 Men, to be summoned by the Sheriff. Persons so summoned, failing to attend the Court, shall be fined 400 *lb.* Tobacco, &c.
- S. 6. Criminal Causes shall be tried by a Petit Jury. Clerk of the General Court shall issue Writs of *Venire facias*, to summon Six Freeholders of that County, whence the Criminal was removed, &c. to be of the Jury, unless challenged: The Pannel shall be made up of By-Standers, being Freeholders, &c.
- S. 7. &c. Jurors, on Trials of Pleas of the Crown, or of Lands, or Real Estate, or of any Cause in the General Court, shall be Freeholders, and possessed of 100 *l.* visible Estate: And in County Courts, a Juryman shall be worth 50 *l.* Sterling. Sheriff shall not summon Persons not qualified to serve on Juries. But after the Jury is sworn, none shall be challenged for Want of Estate.
- 8 GEO. 1. Keeper of the Public Goal, exempted from serving on any Jury. Cap. 9, S. 5.
- 1 GEO. 2. The Grand Jury of any County, may present Offences for Breach of penal Laws; altho' the Penalty be less than 20 *s.* or 200 *lb.* Tobacco. Cap. 13, S. 2.
- Acknowledgment of a Debt, before Two Justices, (*Quorum unus*) equal to a Judgment, &c. 13 CAR. 2. Cap. 61.
- Justices to put in Execution the Laws of *England*, against Vagrants. See Vagabonds. 24 CAR. 2. Cap. 7, S. 2.
- Justices shall put under Restraint Persons causing Disturbance during Divine Service, and fine the Offender, First Offence, 200 *lb.* Tobacco, and every Offence thereafter, 500 *lb.* Tobacco, and Cask; to be levied by Warrant to the Sheriff, for the Use of the Parish. 32 CAR. 2. Cap. 13.
- Justices neglecting to put this Law in Execution, forfeit 500 *lb.* of Tobacco, and Cask, to the Parish. See Religion.
- Justice of Peace appointed to take Lifts of Tithables, &c. Shall give public Notice where he will receive the Lifts, in his Precinct, on 10 *June*. Shall return the Lift by him taken, to *August* Court, &c. 4 ANN. 7. Cap. 7, S. 5.
- Failing to enter his own Lift, forfeits 1000 *lb.* Tobacco, for every Tithable concealed. See Levies. S. 6.
- Justice of Peace, upon Complaint, may order Three House-keepers of the Neighbourhood, to view the Fence, where a Trespass is committed. See Trespas. Cap. 15.
- Justices of Peace, and other lawful Officers, may apprehend Criminals, and bind them to an Appearance at the General Court. Cap. 19, S. 17.
- Magistrates, committing Criminals, shall cause all the Witnesses to enter into Recognizance, for their Appearance, &c. at the Trial. S. 32.
- Persons convicted of profane Swearing, Cursing, or Drunkenness, by Oath of one Witness, or Confession, before a Justice of Peace, or in his Presence, or in a Court of Record, forfeit 5 *s.* or 50 *lb.* Tobacco, for every Offence. On Refusal of Paiment, or Security, the Fines may be levied by Distress, &c. by Warrant from a Justice, directed to the Sheriff, or Constable; and if no Goods are found, the Offender shall receive 10 Lashes. Cap. 30, S. 4.

JUSTICES OF PEACE.

- 13 CAR. 2. Commissioners not to be Attornies in their respective Courts. See Attornies. Cap. 49.

Persons

- 4 ANN. Persons convicted of not being at Church once every Month (Protestant Dissenters excepted) or profaning the Sabbath, by Gaming, Tipling, Travelling, or Working in Corn or Tobacco, by Oath of one Witness, or Confession before a Justice, forfeit 5 s. or 50 lb. Tobacco, for each Offence; or on Refusal of Paiment, or Security, 10 Lashes. In both Cases, Prosecution to be within 2 Months.
- Cap. 38. Duty of Justices, on Commitment of Criminals triable in the General Court. See Criminals.
- Cap. 40. Two Justices of Peace (*Quorum unus*) upon their own View, or the Oath of one Witness, that an Ordinary-Keeper permits unlawful Gaming, Tipling on Sundays, or harbours Sailors, or Servants, may suppress such Ordinary 'til the next Court, and certify the Offence, &c.
- Cap. 49. Justices of Peace may receive Servants Complaints, &c, and bind the Master to answer at the next County Court.
- S. 25. Justice of Peace shall commit Runaways to the next Constable, &c. See Servants and Slaves.
- S. 37. Two Justices, (*Quorum unus*) may issue Proclamation against outlying Slaves, requiring them forthwith to surrender, &c. and empowering the Sheriff to apprehend such Slaves. *Vid. ut supra.*
- 9 ANN. Justice of Peace to grant Certificate for taking up Runaway Seamen, &c. See Ships.
- Cap. 11. Persons commissioned as Justices of the Peace, shall take the Oaths appointed by Act of Parliament. Entering upon the Execution of the Office, before taking the Oaths, forfeit 300 l. Sterl.
- S. 7. Matters of less Value than 20 s. Sterl. or 200 lb. Tobacco, finally determinable by one Justice.
- S. 9. The Authority and Jurisdiction of a Justice of the Peace. His Oaths.
- S. 10. May grant Attachments against Persons privately absconding, or removing, &c. returnable to the next County Court; but shall

take Bond and Security of the Party praying such Attachment. Stoned Horses, 2 Years old, and not 13½ Hands high, being found running at large, may be brought before a Justice of Peace, and upon Proof made by the Oaths of the Taker-up, and 1 other Witness, that such Horse was found and taken on uninclosed Grounds, the Justice shall cause such Horse to be measured; and if found of less Size than by this Act limited, shall grant the Taker-up Certificate, &c.

Every Justice of Peace may receive 7 the Heads of Wolves killed, and upon Proof made, either by Oath of the Party, or if he be under 14 Years of Age, or not a Christian, by other probable Evidence, or convincing Testimony, how, when, and where the Wolf was killed, may grant such Person a Certificate to the County Court; but shall immediately thereupon cause the Ears to be cut off in his Presence.

Maker of Tar, claiming the Reward, shall make Oath before a Justice of the same County, That the same is good and merchantable, as directed by this Act; that each Barrel contains 32 Gallons nett, and that it was made on his Land, (or where else made.) The Justice of Peace shall thereupon grant a Certificate of such Oath made before him, See Exportation.

If any Person, who shall arrive in this Colony, on Board a Ship obliged to make Quarentine, leaves such Ship, without Licence, he may be compelled to return on Board, 'til the Days of Quarentine are expired: And then, being convicted of such Leaving the Ship, by the Oath of one Witness, before a Justice of Peace, shall immediately pay into the Hands of such Justice, any Sum, not exceeding 20 l. to be by him distributed, to the Informer not more than one Third, and the Residue, deducting Charges,

to the Poor of the Parish. In Default of Paiment, the Offender shall be committed by such Justice, to the County Goal, for any Time, not exceeding one Month.

- 8 GEO. 1. Cap. 6. S. 2. If any Seaman, belonging to a Ship, &c. trading in this Colony, goes on Shore, or absents himself, without Leave from his Commander, he shall forfeit 5 s. recoverable before any Justice of Peace, by the Master: On Refusal of Paiment, or Security, 10 Lashes.
- S. 3. Seamen convicted of Disobedience, shall have 20 Lashes.
- S. 4. For preventing Mutinies on Ship-board, Two Justices (whereof one to be of the *Quorum*) may hear and determine Complaints of Masters against their Crews, and award Fines, not exceeding 3 Months Pay, or corporal Punishments, according to the Offence. On Refusal of Paiment, or of Security for the good Behaviour, &c. 39 Lashes, and to be remanded to Service on Board.
- S. 7. Any Justice of Peace, residing next to the Place where the Ship, &c. rides, may receive Complaints of Seamen against their Commanders, award Satisfaction, and issue Execution, &c.
- S. 8. Masters of Ships, &c. discharging a Seaman, shall give him a Certificate of Discharge, on Penalty of 5 l. recoverable before any Justice of Peace.
- S. 9. Any Justice of Peace, upon Complaint to him made against a Commander, for immoderate Beating, &c. any of his Crew, may issue his Warrant to the Sheriff, or Constable, to bring before him such Master; and shall take sufficient Security for his good Behaviour.
- 9 GEO. 1. Cap. 4. S. 11. Duty of Justices of Peace, in committing and punishing Slaves unlawfully assembled. See Servants and Slaves.
- S. 15. Justices of Peace, in Frontier Counties, may licence Mulattos, Negroes, or Indians, bond or free, living at Frontier Plantations,

to keep and carry Arms and Ammunition, &c. Such Licence to be granted upon Application of the Persons free, or of the Owners of the Slaves.

The Power and Duty of Justices of Peace, in Relation to the Act, 12 Geo. 1. Cap. 3. concerning Executions, &c. and for Relief of poor Prisoners for Debt. See Insolvent Debtors.

Every Runaway, taken up, brought before a Justice of Peace, and not declaring the Name of his or her Owner, shall be committed, by Warrant under the Hand of such Justice, to the Goal of the County where taken.

When any Justice of Peace shall have given Judgment in any Matter cognisable before him, he may issue Execution thereupon.

Any Justice of Peace may grant Attachments for less than 20 s. Sterl. or 200 lb. Tobacco. See Attachment.

Justice of Peace to issue his Warrant for apprehending disorderly Vagabonds, &c. See Vagabonds.

On Complaint made by the Churchwardens, any Justice of Peace may, by Warrant under his Hand, remove poor Persons to their own Parishes. See Parishes.

Two Justices may cause Persons who have no visible Estates, &c. to be brought before them; and if they cannot make it appear, that they do not maintain themselves by Gaming, shall find Sureties for their good Behaviour for 12 Months, or be committed.

LAND.

Grants. Entries. Rights. Patents. Lands lapsed. Swamps. Marshes. Sunken Grounds. Surplus Land. Proceffioning.

Entries of Land shall be valid, until Notice given by the Surveyor that he is ready to survey: But if, within One Month after Notice, the Party fails to survey, such

4 ANN. Cap. 22. S. 6.

such Entry shall be void. See Surveyors.

9 ANNÆ. An Act for Settling the Titles and
Cap. 13. Bounds of Lands; and for preventing unlawful Shooting and Ranging thereupon.

S. 1, &c. No Estate in Fee Simple, Fee Tail, or for Life, &c. shall pass, without Deed in Writing, indented, seal'd, and recorded, &c. See Deeds.

S. 4. Estates Tail shall not be defeated by Fine and Recovery, or any other Means; except by Act of Assembly.

S. 9, &c. Limitation of Writs, of Formedon in Discender, Remainder, or Reverter, and all Writs of Right, &c. See Actions.

S. 15. Patents granted before this Act, confirm'd to the Parties in Possession.

S. 16. But all Patents hereafter to be passed, and all Certificates for Rights paid, shall be recorded in the Secretary's Office.

S. 18. If, upon a new Survey, more Land shall be found within the Bounds of any former Patent, than is therein expressed, the Proprietor may sue forth a new Patent, but needs not make any new Seating, on such Surplus Land. All former double Patents confirm'd, &c. without

S. 19. new Seating: But Persons hereafter suing forth double Patents, shall seat, &c.

S. 20. Persons failing to seat, &c. within 3 Years, shall lose their Lands and Rights.

S. 21. Method of obtaining Patents for lapsed Lands. Lands shall not be granted as lapsed, before the Expiration of 3 Years, after the Date of the Patent. If, upon Trial, it appears, the Lands were saved, before Petition exhibited, such Seating, &c. shall be sufficient, tho' not made within 3 Years.

S. 23. Lands descending to an Infant, Feme Covert, or Person out of the Country, shall not lapse, until 3 Years after the Death of the Patentee. Guardian, or Husband, suffering such Land to lapse, shall be answerable to the Heir.

Persons intending to take up, &c. 9 ANNÆ. Swamps, Marshes, or sunken
Cap. 13. Grounds, shall give Notice to the
S. 25. Proprietor of the high Land, to which the Marshes are contiguous; and no Patent shall issue, before the Expiration of 1 Year after such Notice. If any Controversy arise, concerning the Notice being given, the *Onus Probandi* shall lie upon the Party required to give Notice. Saving to Infants, &c.

No Person shall enter for Surplus Land, until 1 Year after Notice given to the Possessor: If he does not within that Time, obtain Rights, and pay all Quit Rents due, after Publication of this Act, the Person giving Notice may, at his own Charge, survey, and sue forth a Patent for the Surplus found: But the Possessor may assign it where he will, in 1 Piece. And if, upon a Survey, no Surplus Land be found, the Person giving Notice shall pay all Charges. Allowance of 5 per Cent. for Variation of Instruments.

Lands shall be processioned every 4 Years. Between 1 June, and 1 September, 1711, and every fourth Year thereafter, the Court of each County shall order the Vestry of every Parish therein, to divide the same into Precincts, and to appoint 2 Freeholders in each Precinct, to procession the Lands. Persons appointed, shall return an Account to the Vestry. Clerk of the Court shall certify such Order to the Churchwardens, within 10 Days. Notice of Persons, and Times appointed for Processioning, shall be given at Churches, 3 Sundays before. Accounts return'd, shall be registred in particular Books, examined and attested by the Churchwardens, in Presence of the Vestry, within 6 Months after Return. If a Parish lies in several Counties, the Order of each respective Court shall be certified. Penalties, on Justices of

- every Court, failing, 1000 *lb.*
Tobacco, Vestrymen, 200 *lb.*
Churchwardens, 500 *lb.* Clerk of
the Court, 1000 *lb.* to the Crown,
and Informer; unless just Cause
of Absence, &c. Any other
Person failing, forfeits 500 *lb.*
Tobacco, to the Parish.
- 9 ANNÆ.
Cap. 13.
S. 32. S. 33. The Bounds of Lands proceffioned
3 Times, according to this Act,
shall never be altered.
- S. 35. If any Person refuses to suffer his
Land to be proceffioned, the
Persons appointed shall, within
10 Days, certify such Refusal to
the Churchwardens, to be by
them return'd to the next Court:
Which Court shall order the Sur-
veyor, with a Jury, to proceffion
the Lands, at the Charge of the
Person refusing, and to return a
Certificate of the Proceedings.
Such Survey shall determine the
Bounds. Saving to Infants, &c.
Heir in Reversion, or Remainder,
may, within 6 Years after the
Death of Tenant for Life, con-
trovert the Bounds.
- S. 37. S. 36. S. 39. Bounds of Lands proceffioned, pur-
suant to the Act, 4 ANN. CAP.
21, confirmed.
- S. 40. Penalties on Persons who shall be
found hunting on other Mens
Lands. See Game.
- 11 ANNÆ.
Cap. 4. An Act to prevent Land lapsing
from Infants, for not seating
and planting, or not paying Quit
Rents, until 3 Years after they
come of Age. See Infants.
- 12 ANNÆ.
Cap. 3. An Act declaring what shall be ac-
counted a sufficient Seating, Plan-
ting, Cultivating, and Improving
of Lands, already granted, or
hereafter to be taken up and
patented.
- S. 2. Lands intended to be patented,
shall be laid out by sworn Sur-
veyors. The Breadth of each
Tract to be proportionable to
1 Third of the Length. Sur-
veyor shall return to the Secre-
tary's Office, a Plat of every
Survey by him made, and certi-
fy the Quantity of barren and
plantable Acres, &c.
- Two Thirds of all Lands survey'd 12 ANNÆ.
before 31 October, 1710, shall Cap. 3.
be accounted barren. S. 3.
- What Improvements shall be ne- S. 4, 5.
cessary to save Lands. See Im-
provement. After Lands are S. 6.
saved, the Patentee may with-
draw his Stock, &c.
- Five Years allowed to save Lands S. 7.
survey'd before 8 Dec. 1710.
- Patentee of Lands lapsed, may re- S. 8.
serve so much as he has saved,
and allot the Residue in any Part
of his Tract in one Piece. But S. 9.
for Lands formerly granted,
no farther Improvements neces-
sary, than were then requirable
by Law.
- Patentee may prove the Seating S. 12.
in the General or County Courts;
and such Proof, certified to the
Secretary's Office, and there re-
corded, shall be good Evidence.
Lands saved, according to this S. 13.
Act, shall not be forfeited.
- This Act shall commence 1 Dec. S. 14.
1714. unless, &c.
- An Act explaining, and further de- 7 GEO. I.
claring, what shall be accounted Cap. 3.
a sufficient Seating and Improve-
ment to save Lands from lapsing;
and for the better Recovery of
Lands lapsed from Persons living
out of the Country.
- Further Cultivations, &c. to save S. 2, 3.
Lands from lapsing. See Im-
provement.
- Upon Petition of the Patentee, the S. 4.
County Court may appoint Per-
sons to value the Improvements.
Such Valuation made, and re-
turned to Court, shall be record-
ed, and deemed good Proof: But S. 5.
the Improvements shall be spe-
cially mentioned, and Oath
made by the Proprietor, that
none of them have been before
valued, and recorded, &c.
- If any Person, possessed of a Tract S. 6.
of Land, which ought to be
seated, &c. shall take up more
Land adjoining, and include all
in one Patent, the Improvements
on any Part shall extend towards
saving the Whole. Patentee S. 7.
of Lands heretofore granted, not
obliged

7 GEO. I.
Cap. 3.
S. 8.

obliged to further Improvements than were by Law required, at the Time of granting his Patent. Lands saved within the Time limited, or before Petition preferred, shall not lapse, &c. and the Seating, &c. proved according to this Act, shall enure to the Benefit of the Party making such Proof.

S. 9. On Petition for lapsed Land, the Patentee may reserve to himself so much as is by him saved, &c. and allot the Residue to the Petitioner, in any Part of the Tract, in one entire Piece. If the Owner of lapsed Land, for which Petition shall be exhibited, be not resident in this Colony, a Summons shall be served upon his Attorney; if none such, a Copy of the Summons affixed at the Court-house of that County where the Lands lie, 5 several Court Days, and at the Capitol 3 General Courts, &c.

12 GEO. I.
Cap. 3.
S. 11.

No Extent shall be avoided, or delayed, because Part of the Lands alien'd, are extended, and other Part omitted.

S. 12. Parties whose Lands shall be extended, may have Remedy, for Contribution against Persons whose extendible Lands are omitted, &c.

LEATHER.

*Tanners. Curriers. Shoe-makers.
Viewers. Searchers. Triers.*

3 W. & M.
Cap. 12.

An Act declaring the Duty of Tanners, Curriers, and Shoe-makers.

S. 2. Duty of Tanners.

S. 3. Curriers.

S. 5. Shoe-makers.

S. 4. County Courts to appoint Viewers.

S. 6. And Searchers. To be sworn Annually.

S. 7. And Triers.

S. 8. Penalty on the Trier, for Neglect of his Duty.

S. 9. Forfeiture of a Searcher, omitting his Duty, or taking Bribes.

S. 10. Penalty for denying Search, or Seizure of insufficient Wares.

And for selling tann'd Leather, not searched, or sealed.

3 W. & M.
Cap. 12.
S. 11.
S. 12.

Penalty on the Currier, &c. not doing his Duty.

How the Forfeitures, Penalties, and Seizures, shall be distributed.

The Hides, or Skins, of Ox, Steer, Bull, Cow, Calf, Deer, Goat, and Sheep, being tann'd, shall be reputed Leather.

S. 13.

LEVIES.

Tithables.

An Act concerning Tithables.

4 ANN. 7.
Cap. 7.
S. 1.

All Male Persons, and all Negro, Mulatto, and Indian Women, of the Age of 16 Years, Tithables; except Persons excused by Court or Vestry, as Objects of Charity.

County Courts to adjudge the Age of every Child imported; and on Neglect of the Owner, Parent or Importer, to bring such Child before the Court, it shall be accounted immediately Tithable.

S. 3.

County Courts to appoint Precincts, and a Justice of Peace to take a List of Tithables in each Precinct. The Justice appointed, shall give public Notice, where he will receive the Lists of Tithables in his Precinct, on the 10th of June; and in August Court, shall deliver the List by him taken, to the Clerk, to be by him set up in the Court-house.

S. 5.

On 10 June, Annually, every Master, or Mistress of a Family, or Overseer, shall deliver to the Justice appointed for that Precinct, a List of all Tithable Persons in the Family on 9 June: Penalty 1000 lb. Tobacco for every Tithable concealed. To the Informer.

S. 6.

Justice of Peace not entering his own List, like Penalty.

Persons failing on 10, but entering their Lists by 30 June, discharged from the Penalty.

S. 7.

The Governor, and his Family, and the Person of a beneficed Minister, exempted.

S. 8.

And

4 ANN. An Act concerning the Collection
Cap. 9. of the Public and County Le-
vies; and for the better Paiment
of the same, to the respective
Creditors therein concerned.

S. 1, 2, 3. Sheriffs shall be admitted by the
County Courts, to be Collectors
of Public and County Levies,
giving Bond and Security, in
double the Sum of the Levies.
On Refusal, Court may appoint
S. 4. any other Person, &c. Collectors
shall allow 8 *per Cent.* for Cask.
Penalty 100 *lb.* of Tobacco, for
every 8 *lb.* due, and *pro rato*, to
the Party grieved.

S. 5, &c. Collector shall not seize Tobacco
mark'd and paid away, if other
merchantable Tobacco be ten-
der'd. Shall deliver, or imme-
diately satisfy the Owner, for
surplus Tobacco in a Hoghead
seised for Levies. Shall discount
with Public or County Creditors,
without Fee. Shall pay such
Creditors, in *March*; if any then
unpaid, County Court may, up-
on Complaint, award immediate
Judgment, without other Pro-
cess. If upon such Complaint,
the Sheriff is absent, he shall be
ruled to answer at the next Court.

S. 12. If any Creditor, after 10 Days No-
tice, neglects to receive his To-
bacco, Collector may make a
Tender, &c.

9 GEO. I. All free Negros, Mulattos, and
Cap. 4. Indians (Tributary Indians ex-
S. 21. cepted) above the Age of 16
Years, and all Wives of such,
shall be accounted Tithables.

12 GEO. I. Constables exempted from Paiment
Cap. 4. of Public, County, and Parish
S. 7. Levies, for their own Persons.

4 ANN. The Men attending in Ferry-Boats,
Cap. 53. free of Public and County Le-
S. 6. vies.

1 GEO. 2. An Act for the better Support of
Cap. 6. the Clergy of this Dominion;
and for the more regular collec-
ting and paying the Parish Le-
vies. See Vestries.

Cap. 7. An Act for the better securing the
Paiment of Levies, and Restraint
of vagrant and idle People; and
for the more effectual Discovery

and Prosecution of Persons ha-
ving Bastard Children; and for
making better Provision for the
Poor.

No Inhabitant of this Colony shall 1 GEO. 2.
entertain, &c. above the Space Cap. 7.
of 48 Hours, any Tithable Per- S. 2.
son, without a Certificate from
the Parish where he or she be-
fore resided, on Penalty of 200 *lb.*
Tobacco, or 20 *s.* current Mo-
ney, to the Informer; recovera-
ble before a Justice of Peace.
Persons not having such Certifi-
cate, offering themselves to Hire,
deem'd Concealers of Tithables.

Justices of Peace to issue Warrants, S. 3, 4.
for apprehending Vagabonds. See
Vagabonds.

What shall be accounted a legal S. 6.
Settlement in any Parish. See
Parishes.

The Person in whose House a lewd S. 14.
Woman shall be delivered of a
Bastard, shall give Notice to a
Churchwarden of the Parish, and
secure the Woman, on Penalty
of 50 *s.* current Money, or 500 *lb.*
Tobacco; or, on Failure of Pai-
ment, 25 Lashes.

LICENCES.

Pass. Certificate.

No Person shall depart this Colony, 4 ANN.
without a Licence, or Pass, sign'd Cap. 12.
by the Secretary, or his Deputy.
See Transportation.

Keepers of Ordinaries, and Persons Cap. 40.
retailing Liquors, shall petition
the County Court for a Licence.
See Ordinaries. Cap. 49.

How Marriage Licences shall be
issued: See Marriages. Cap. 53.

Ferry-Keepers shall obtain Licence
in the County Court. See Ferries.

Overseers, and all Servants, prohi- 12 ANN.
bited from keeping Horses, &c. Cap. 8.
without their Masters Licence.
See Horses.

No Tributary Indians shall cross 8 GEO. 1.
Potowmack River, or pass the Cap. 3.
great Ridge of Mountains, &c. S. 2.
without Licence of the Governor
of *Virginia*: Nor shall any In-
dians

- dians of the Five Nations cross those Limits, without a Pass from the Governor of *New-York*.
- 8 GEO. I. Masters of Ships, &c. discharging a Seaman, shall give him a Certificate of Discharge. No Commander shall hire a Seaman, who hath belong'd to another Ship, without such Certificate. Seamen travelling, not having such Certificates, may be taken up as Runaways.
- 9 GEO. I. All Negros, Mulattos, or Indians, living at Frontier Plantations, may be permitted to keep and carry Arms and Ammunition, by Licence from a Justice of Peace.
- S. 17. No Slaves shall be set free, without Licence from the Governor and Council.
- 10 GEO. 2. No Inhabitant of this Colony, shall entertain, above the Space of 48 Hours, any Tithable Person, without a Certificate from the Parish where he or she before resided. See Levies.

LIQUORS.

- 12 GEO. I. An Act for laying a Duty on Liquors.
- Cap. 1. S. 2. Rum, Brandy, Distilled Spirits, and Wine, imported after 10 June, 1726, shall pay, viz. 3 d. per Gallon, for 5 Years, and 1 d. per Gallon, for 21 Years. Cider, Beer, or Ale, 1 d. per Gallon, for 5 Years.
- S. 3. No Duty whatsoever shall be required, or paid, for any of the said Liquors imported from *Great-Britain* directly.
- S. 4. No Liquors, liable to a Duty by this Act, shall be landed, &c. before Entry, and Payment of the Duties; nor without Warrant from the Collector, on Penalty of Forfeiture.
- S. 5. The Contents of every Cask shall be entred, upon Oath, or double the Value of the Liquors forfeited:
- S. 6. But Wine may be entred at 100 Gallons per Pipe, and so *pro Rato*.
- S. 7. The Master, or Purser, of every Vessel importing Liquors, shall en-

- ter, upon Oath, the Burthen, Contents, and Lading of such Vessel, and the Marks and Numbers of every Cask of Liquors on Board, on Penalty of 100 l.
- 20 per Cent. allow'd for Leakage.
- 12 GEO. I. Cap. 1. S. 10. Persons making false Entry, forfeit 100 l.
- S. 11. If the Duties be not paid within 10 Days after Entry of the Ship, &c. Collectors may bring on Shore all Liquors then on Board. Collectors, or their Deputies, taking any Bribe, or conniving at a false Entry, forfeit 100 l. shall be forever disabled, and render'd incapable of any Office in the Customs. Persons giving or paying any Bribe, forfeit 100 l.
- S. 12. For Liquors exported within 3 Months, a Drawback of the whole Duties paid shall be allow'd by the Collector. Exporter to make Oath.
- S. 13. Persons paying any of the Duties, in Money of their own Importation, to be proved upon Oath, shall be allow'd a Discount of 15 per Cent.
- S. 14. Collectors shall be appointed by the Governor and Council. Their Salary 6 per Cent. Shall pay all Monies to the Treasurer, and account, upon Oath. The Treasurer shall account, upon Oath, to the General Assembly.
- S. 15. Monies raised by the Duties of 3 d. per Gallon, upon Spirits and Wine, and 1 d. per Gallon, upon Cider, Beer, or Ale, shall be disposed of by the General Assembly, for lessening the Public Levy.
- S. 16. Out of the Duty of 1 d. per Gallon, upon Spirits and Wine, 200 l. per Annum, shall be paid, for 21 Years, to the College of *William and Mary*; and the Overplus applied as the General Assembly shall direct.
- S. 17. Collectors, &c. may enter, &c. or by Warrant from a Justice of Peace, and accompanied by a Constable, break open any House, &c. to search and seise Liquors for which the Duty is not paid.
- Officer

Officer sued for any Thing by him done in Execution of this Act, may plead the General Issue, and give this Act in Evidence: On Nonsuit, or Judgment against the Plaintiff, Defendant shall have double Costs.

11 GEO. 1.
Cap. 1.
S. 22.

Persons transporting Liquors liable to a Duty by this Act, from one District to another, within this Colony, shall make Oath before the Collector, and take a Certificate, on Penalty of forfeiting the Value of such Liquors.

5 & 6
Geo. 2.
Cap. 2.
S. 4.

A Duty of 3 *d.* for every Gallon of Rum, Brandy, and other Distilled Spirits, and for every Gallon of Wine, imported after the last Day of July, 1732, to be paid by the Owner or Importer, for the Term of 4 Years.

S. 5. Exception of what is imported from *Great-Britain*.

S. 6. No Liquor, liable to a Duty by this Act, shall be landed, before Entry, and true Account of the Number of Gallons every Cask contains, and a Permit had. Penalty of Forfeiture, and Seizure may be made thereof.

S. 7. Owner, or Importer of Liquor, may make Oath to the Number of Gallons contained in each Cask, before any Justice; and upon a Certificate of such Oath made the Collector is to give a Permit for landing thereof.

S. 8. The Master of every Vessel, importing Liquors liable to this Duty, shall make a true Report, upon Oath, within 48 Hours after his Arrival, of the Lading of such Vessel, with the particular Marks and Numbers of every Cask of Liquors, and where the same was laden or taken on Board, on Penalty of 100 *l.* current Money.

S. 9. But a Pipe, or Cask of Wine, imported from the Place of its Growth may be entered at 100 Gallons *per* Pipe, and all lesser Cask in Proportion.

S. 10, 11. Twenty *per Cent.* to be abated for Leakage, according to Invoice at the Port where the same was put on Board.

Persons convicted of making false Entry, forfeit 100 *l.* 5 & 6
Geo. 2.
Cap. 2.
S. 12.
S. 13.

Collectors of Duty have Power to enter any Vessel, and bring on Shore Liquors, if Duty be not paid, or agreed for, within 10 Days after Entry, or Bond and Security given for Paiment thereof, within 6 Months next after Entry; which Bond Collector is required to accept; and Collector may also stay on Board, 'til all Liquors discharged out of the Vessel.

Collector, or his Deputy, taking a Bribe, or conniving at a false Entry, shall forfeit 100 *l.* and disabled in his Office, and made incapable of any Office relating to the Customs; and Person giving such Bribe, forfeits 100 *l.* S. 14.

Liquors exported within 6 Months after their Importation, on Oath made, that the Duty or Custom was paid, or secured, at Entry, and that the said Liquors shall be directly carried out of this Colony, and not sold or put on Shore within the same, or brought back without a new Entry, and paying the Duty, to drawback the whole Duty. S. 15.

Person importing Money, for Paiment of the Duties, and making Proof thereof, before any Collector, allowed 15 *per Cent.* in the Paiment of such Duties, on Liquors by him afterwards imported; but no Allowance to be made for Money imported by any other Person than the Owner or Importer of Liquors. S. 17.

Penalties in this Act, to be, One Third to the King, One Third to the Governor, and One Third to the Informer. S. 18.

Governor, with Advice of the Council, to appoint Collectors of this Duty, and to allow 6 *per Cent.* Salaries. S. 19.

Collectors to account with Treasurer, upon Oath, for all Monies received by Virtue of this Act; Treasurer to account with General Assembly, upon Oath, and give Security, and have the same Powers S. 20.

Powers as by the Act of 12 Geo. 1. Cap. 2. and the said Duties to be disposed of by the General Assembly.

5 & 6
Geo. 2.
Cap. 1.
S. 21. Collectors may enter any House or Warehouse, in the Day Time, or by Warrant from a Justice, and in Company of a Constable, break open any House, Warehouse, &c. to search for, seize, and carry away Liquors liable to Duty, not paid, or secured: And on Prosecution for any Thing done in Execution of this Act, may plead the General Issue, and give the special Matter in Evidence. If Plaintiff be nonsuit, or Judgment against him, Defendant have double Costs.

S. 22. On all Actions, Informations, or Seizure of Liquors, liable to a Duty by Virtue of this Act, if the Property be claimed by any Person, as an Importer, the *Onus probandi* shall lie upon the Claimer.

S. 23. Master of Vessel, transporting Liquors from one District to another, shall, before his Departure make Oath, before the Collector, or some Justice of Peace, of the true Quantity of Liquors to be transported; and that he will not take, or suffer to be taken on Board, any more Liquors, upon which a Duty is laid; and take a Certificate from the Collector, of the Quantity of Liquors then on Board, and that such Oath hath been made, upon Penalty of Forfeiture of the Value of such Liquors; to be recovered and disposed in Manner aforesaid.

MAGAZINE

Arms. Ammunition.

2 Geo. 1. An Act for erecting a Magazine.

Cap. 3.
S. 1. A Magazine shall be built of Brick, for keeping the Arms, Ammunition, &c. belonging to the King. The Governor to direct the building, and to issue his

Warrant on the Treasurer, for Payment of Monies necessary for finishing the Work, not exceeding 200 l.

The Governor, for the Time being, may appoint a Magazine Keeper, and Armourer, at 20 l. *per Annum* Salary each, to be paid out of Monies arising by the Duties on Liquors and Slaves.

When the *Virginia* Indian Company shall be incorporated, they shall pay to the Treasurer, 100 l. towards reimbursing the Monies expended in Pursuance of this Act.

MANUFACTURES.

For the Encouragement of making 3 & 4
Linen Cloth, a *Premium* of Geo. 2.
2 lb. Tobacco, for every Ell of Cap. 11.
Linnen made of Flax or Hemp, S. 2.
of the Growth of this Colony, of the Breadth and Fineness of Oznabrigs; and 4 lb. Tobacco for every Ell of Linen of the Breadth of $\frac{3}{4}$ of a Yard, and Fineness of Dowlas, or any greater Breadth or Fineness, to be paid to the Maker, and levied on the County wherein such Cloth shall be made, and repaid by the County, at the next public Levy.

County Courts impowered, at laying the Levy, Annually, to allow and order to all Persons claiming the Reward aforesaid, and to levy the same upon the Tithable Persons, by a Poll Tax.

Persons entitled to the Reward, shall S. 4.
carry such Linen before a Justice of the Peace, and make Oath, or Affirmation, that such Linnen is of the Growth and Manufacture of this Colony, and that no Person hath received, or entitled himself to receive the Reward for making the same; and shall obtain a Certificate from such Justice, of his having taken such Oath, and that the Linen is of such Breadth and Fineness as is described by this Act.

3^o
Geo. 2.
Cap. 11.
S. 5.

This Act to commence and be in Force, upon His Majesty's signifying His Royal Approbation thereof, and to continue thereafter for 5 Years, and from thence to the next Session of Assembly.

MARRIAGES.

Births. Christnings. Burials.

4 ANN.
Cap. 48.
S. 1.

An Act concerning Marriages.

Ministers shall not celebrate the Rites of Matrimony, without Licence, or thrice publishing the Banns, on Penalty of 500 l. and one Year's Imprisonment, without Bail, &c. Going out of this Dominion, and there marrying any Inhabitant of this Colony, without Licence, or Banns, liable to the like Penalty.

S. 1. In vacant Parishes, the Clerk, or Reader, may publish the Banns, and grant Certificate. Minister, Clerk, or Reader, granting a false Certificate, fined 500 l. *Sterl.* 1 Year's Imprisonment, without Bail, and liable to be prosecuted for Forgery.

S. 4. Marriage Licences shall be issued by the Clerk of that County where the Feme resides. Clerk shall take Bond and Security, on Penalty of 50 l. If either Party be under the Age of 21 Years, and not before married, the Consent of the Parent or Guardian shall be first obtained. The Licence shall be signed by the First Justice in Commission of the Peace, or other Person commissioned by the Governor. Clerk issuing a Marriage Licence in other Manner, and the Person signing such, forfeit 500 l. and one Year's Imprisonment.

S. 5. Feme Sole, of the Age of 12, and under 16 Years, marrying without Consent of Parent or Guardian, or Publication of Banns, shall lose her Inheritance, &c. during such Coverture.

S. 6. Minister, &c. wittingly publishing Banns for a Servant, or marrying

such, without Certificate from the Master, forfeits 10000 lb. Tobacco, and the Servant so married, shall serve 1 Year. Free Person, marrying a Servant, forfeits 1000 lb. Tobacco, or one Year's Service.

County Court Clerks shall, Annually, in *October*, return to the Governor, a List of Marriage Licences issued, and deliver to the public Collector, an Account of the Governor's Dues, on Penalty of 1000 lb. Tobacco.

Fees, for a Licence, *viz.* To the Governor, 20 s. or 200 lb. Tobacco.

Clerk, 5 s. or 50 lb.

Minister, 20 s. or 200 lb.

And if by Banns, *viz.*

Minister, 5 s. or 50 lb.

Publication and Certificate, 1 s. 6 d. or 15 lb.

Clerk may demand and take Security for the Fees.

Minister exacting greater Fees, forfeits 4000 lb. Tobacco, if by Licence, 500 lb. if by Banns: Refusing to publish or certify the Banns, or exacting more for the Fee, 150 lb. Tobacco.

Ministers not neglecting, or refusing to perform the Services, shall have the Benefit of all Perquisites for Marriages, or Funeral Sermons, in their Parish, altho' another be employed.

Persons intermarrying with Negroes, or Mulattos, shall be imprisoned 6 Months, without Bail, and forfeit 10 l. &c.

An Act for registering Births, Christnings, and Burials.

After 20 April, 1714, every Master of a Family shall, within 20 Days, certify in Writing to the Minister of his Parish, the Name of every Child born, and of every Person dying, bond or free, in the Family, on Penalty of 200 lb. Tobacco, for every Neglect.

Every Minister (in vacant Parishes the Clerk) shall keep a Register of all Births and Deaths within his Parish. See Clergy.

Penalties

4 ANN.
Cap. 48.
S. 7.

S. 8.

S. 9.

S. 10.

S. 11.

S. 12.

Cap. 49.
S. 19.

12 ANN.
Cap. 4.

S. 2, 3.

S. 4.

12 ANN. A. Penalties inflicted by this Act, shall
Cap. 4. be to the Use of the Parish where,
S. 5. &c. and to the Informer; cogni-
fiable before a Justice of Peace.

S. 6. This Act shall be read in Churches,
&c. See Vestries.

3 & 4 G. 2. Marriages within the Levitical De-
Cap. 1. grees, prohibited, and to be dis-
S. 5. solved by Sentence of the General
Court; and Children born of
such Marriages to be counted il-
legitimate. Attorney General,
upon Information made to him,
to exhibit Bill in the General
Court, against Persons unlawfully
married, who shall answer upon
Oath; and upon such Bill, An-
swer, and Depositions, Court
may proceed to Judgment, and
declare the Nullity of such Mar-
riage, and punish the Parties by
Fine; and may cause the Parties
separated, to give Bond, with
Surety, under such Penalty as
the Court shall think fit, not to
cohabit.

S. 6. Incestuous Copulations. See Reli-
gion.

MILITIA.

*Court Martial. Invasion. Insur-
rection.*

3 G. 2. Keeper of the public Goal exemp-
Cap. 9. ted from all Musters of the Mi-
S. 5. litia.

9 G. 2. An Act for the Settling and better
Cap. 2. Regulation of the Militia.

S. 1. All Freemen, from 21 to 60 Years
of Age, shall be listed by the Co-
lonel, or chief Officer of the Mi-
litia, in every County, to serve
in Horse or Foot.

S. 3. Persons being, or having been, of
His Majesty's Council, Speaker
of the House of Burgesses, Secre-
tary of State, Judge of the Court
of Vice-Admiralty, Attorney Ge-
neral, Justices of Peace, or having
born military Commission as high
as Captains, the several Clerks
of the Council, General Court,
or of any County Court, for the
Time being, not compellable to
personal Service at any Musters;

but shall send a Trooper, with
Horse and Accoutrements.

Every Minister of the Church of 9 G. 2.
England, the President, Masters, Cap. 2.
Professors, or Students of the Col- S. 4.
lege of *William and Mary*, for
the Time being, Overseer of four
Slaves, Miller, Persons employed
in any Mine, and all free Ne-
gros, Mulattos, or Indians, ex-
empted from being listed: But S. 5.
such free Negros, Mulattos, or
Indians as are capable, may be
listed and compelled to serve as
Drummers, Trumpeters, Pio-
neers, &c.

Overseers, Millers, free Negros, &c. S. 6.
presuming to appear at any Mus-
ter, shall pay 100 lb. Tobacco,
or be tied Neck and Heels, 20
Minutes.

Each Horseman shall appear at Mus- S. 7.
ters, provided with a good Horse,
Saddle, Breast-Plate, Crupper,
Curb-Bridle, Holsters, Case of
Pistols, cutting Sword, or Cut-
lace, double Cartouch-Box, and
6 Charges of Powder; and shall
keep at his Place of abode, and
bring into the Field, when spe-
cially required, a well-fix'd Car-
bine, with Bolt and Swivel,
1 Pound of Powder, and 4 Pounds
of Shot. Each Foot Soldier shall
appear provided with Gun and
Bayonet, Sword, Cartouch-Box,
and 3 Charges of Powder; shall
keep, and bring with him, when
specially required, 1 Pound of
Powder, and 4 Pounds of Shot.
Every Soldier, failing to appear, S. 8.
or found unprovided, shall be
fined 100 lb. Tobacco: But 18 S. 9.
Months Time allowed to each
Soldier, after he is listed, to fur-
nish himself with Arms, &c.

Every Captain failing to appear at S. 10.
any Muster, or neglecting to ex-
ercise his Troop, or Company,
forfeits 200 lb. Tobacco. Lieu-
tenant, Cornet, or Ensign, fail-
ing, forfeits 100 lb. Tobacco.

Horses, Accoutrements, Arms and S. 11.
Ammunition, provided and kept
pursuant to this Act, shall not be
liable to Seizure, or Distress.

- 9 GEO. I. Cap. 2. S. 12. The Colonel, or chief Officer of the Militia, in every County, shall cause a General Muster to be made once a Year; and every Captain shall muster his Troop, or Company, quarterly, or oftner if Occasion. No Defaulter shall be fined above 5 Times in one Year.
- S. 13. If any Soldier disobey the Command of his Officer, or is disorderly, or refractory at Musters, the Commanding Officer then present, may cause him to be tied Neck and Heels, 20 Minutes; and if he afterwards offends, may commit him to Goal 10 Days, not to be thence discharged, 'til he has paid his Fees. In Case of Invasions, Insurrections, &c. if a Soldier fails to appear, upon Summons, he shall be fined 10 l. Refusing to obey his Captain, 3 Months Imprisonment, without Bail or Mainprize; unless sooner discharged by the Colonel, &c. Any Officer, failing to appear, on such Occasion, forfeits 20 l.
- S. 14.
- S. 15. Soldiers refusing to serve as Sergeants, Corporals, Drummers or Trumpeters, shall be fined 500 lb. Tobacco. Persons once paying the Fine, not liable to further Penalty for Refusal.
- S. 16. Every Captain shall take Account, in Writing, of all Defaulters, or Offenders, at any Muster of his Troop, or Company, and return such Account, under his Hand, to the next Meeting of Field Officers.
- S. 17. A Court Martial of the Field Officers and Captains of every County, or the major Part of them, whereof the Colonel, Lieutenant-Colonel, or Major, shall be One, may be held Yearly, at the Court-house, on the first or second Thursday in October, to inspect the Accounts returned, and fine Delinquents. But shall not be held at any other Time or Place, nor fine for any Offences committed above a Year: Shall admit reasonable Excuse. The Fines may be levied by Distress, on
- S. 18.
- S. 19.
- S. 20.
- S. 21.

Refusal of Paiment: If the Sheriff cannot find the Offender's Goods, the chief Commanding Officer, residing in the County, may issue Execution against his Body. The Court may appoint a Clerk to attend them, and pay his Salary out of the Fines. May dispose of the Penalties for Military Uses. 9 GEO. I. Cap. 2. S. 22. S. 23.

Each Captain may take one of his Soldiers to be Clerk of his Troop, &c. who shall be excused from bearing Arms, except in Case of Rebellion, or Invasion. May admit any able White Person, aged above 16 Years, to serve in his Troop, &c. in the Room of any other Person listed. S. 24. S. 25, 26.

Every Commission Officer of the Militia, before acting, shall, in his County Court, take the Oaths appointed by Law, and subscribe the Test. Every Officer holding Court Martial, shall be sworn. The Oath. Shall be first taken by the presiding Officer present, and by him administered to the rest.

The Inhabitants of *Williamsburg* shall be a Body of Militia, listed, trained, &c. under their own Officers, commissioned by the Governor: Shall not be compellable to march out of the said City, on any military Service, without express Order from the Governor. Cap. 10. S. 4.

An Act for making more effectual Provision against Invasions and Insurrections. 1 GEO. 2. Cap. 5.

Upon any Invasion, or Insurrection, the Governor may raise and march the Militia to any Place within this Dominion; and may disband, &c. S. 2.

On Notice of any Insurrection, or Invasion, every Officer shall raise the Militia under his Command, and send immediate Intelligence to the County-Lieutenant, or in his Absence, to the Chief Commanding Officer, and also to the next Militia Officer in the same County, and keep his Men under Arms, 'til further Order. The Chief S. 3.

- Chief Commanding Officer shall dispatch an Express to the Governor; and may impress Boats, Men, &c. for Dispatch; and shall draw together the Militia of his County, 'til further Orders.
- ^{1 Geo. 2. Cap. 5. S. 4.} Provisions, Sloops, and Boats, for Transports, Waggon, &c. for Land Carriage, Tools and Instruments for Military Service, and Sailors, Gunners, and other Artificers, may be impressed, by Warrant under the Hand and Seal of any County Lieutenant, Colonel, Lieutenant-Colonel, or Major.
- S. 5. Provisions, Tools, &c. impressed, shall be appraised by Two Men, upon Oath: Boats, Sloops, Carts, &c. with their Appurtenances, shall be in like Manner appraised; and also an Estimate made of Allowance, *per Diem*, in Tobacco, for the Use. Persons impressing, shall cause such Appraisalment and Estimate to be made, and shall give a Receipt to the Owner, of every Particular impressed, how appraised, and estimated, and for what Service, upon Penalty of being liable for unlawful Seizure.
- S. 6, 7. For Discovery of Enemies by Sea, the Governor may appoint Look-outs in each of the Counties of *Elizabeth-City, Princess-Anne, and Northampton*, to observe the Courses of Ships, &c. upon the Coasts, and in Case of Suspicion, to give immediate Notice to the next Field Officer, to be by him transmitted to the Governor, and County Lieutenant, or Chief Officer.
- S. 8. Officers, and Soldiers, in actual Service, shall be paid by the Public.
- S. 10. Rates of Pay. But if the Militia raised, is again discharged in 2 Days, no Pay.
- S. 9. Horse and Foot shall provide themselves with Horses and Accoutrements, Arms and Ammunition.
- S. 11. Rates of Pay, for Artificers and
- S. 12. Sailors. Messengers shall be paid
- S. 13. as Public Expresses. Provisions,

Tools, &c. at the Rate appraised. ^{1 Geo. 2. Cap. 5. S. 14.}
 Use of Boats, Waggon, &c. as estimated: If lost, or destroyed, as appraised, and half Pay for the Use. If damaged, or disabled, Satisfaction for the Damage, and pay for the Use. Damage to be found by Two Men, upon Oath, to be appointed by a Justice of Peace.

For preventing unlawful Concourse of Negroes, on Public Festivals, the Commanding Officer of the Militia may draw out Parties, to patrol, and apprehend Slaves, conveyed contrary to the Act 9 Geo. 1. Cap. 4. Slaves so taken, shall be delivered to a Constable; and the Militia employed in this Service, above 2 Days at one Time, shall be paid for the whole Time of Service. ^{S. 17, 18.}

The Governor may appoint such Part of the neighbouring Militia as he thinks fit, to guard the Batteries. Such Militia exempted from private Musters, except at such Batteries. ^{S. 19, 20.}

Persons armed out of His Majesty's Stores, imbezzling, or detaining any Arms, Accoutrements, or Ammunition, to them delivered, shall be imprisoned, by Warrant under the Hand of the County Lieutenant, or Chief Commanding Officer, 'til Satisfaction made, &c. ^{S. 21, 22.}

This Act shall continue in Force 5 Years. ^{S. 23.}

Further continued for 3 Years.

^{S. 24 & 25.}
^{Geo. 2. Cap. 4.}

MILLS.

Mill-Dams. Millers. Toll.

An Act for Encouragement of building Water Mills. ^{4 Anne. Cap. 41.}

Persons intending to build a Water Mill, and having Land on one Side of a Run, if the Owner of the Land on the other Side refuses to sell an Acre adjoining, may petition the County Court, who may order such Acre to be valued, and put the Petitioner in Possession, which shall

shall create a Fee Simple to him; but shall not take away Houses, Orchards, &c.

4 ANNÆ. The Valuation Money shall be paid down, and the Purchaser shall, within one Year begin, and in 3 Years finish such Mill, and keep it in Use; otherwise the Land shall revert to the former Proprietor.

S. 4. Owners of Mills burn'd, &c. being under Age, Feme Covert, Non compos Mentis, or imprisoned, shall have 3 Years to rebuild, after Incapacities removed.

S. 5, &c. Where a Mill is standing, no other shall be built upon the same Run, without Order of Court, &c. Persons injured may sue for Damages.

S. 8. Duty of Millers. Toll, One Eighth of Wheat, and One Sixth of Indian Corn. Miller failing in his Duty, or taking more Toll, forfeits 15 s. to the Party injured.

S. 9, 10. Owners of Mills may grind their own Grain at any Time. Shall keep seal'd Bushel, Half Bushel, and Peck Measures, and a Toll-Dish seal'd, on Penalty of 15 s. Shall use Strike Measure.

S. 11. Imported Servants, or Slaves, being Millers, and failing in their Duty, first Offence, 30 Lashes, second Offence, 40 Lashes; on a third Offence, the Owner shall pay the Penalties.

1 GEO. 1. An Act to oblige Owners and Occupiers of Mills, to which public Roads shall lead, to make the Dams of such Mills 10 Foot wide at the Top.

S. 2. After 30 November, 1715, all Mill-Dams, on any public Road, shall have a Bridge at the Flood-Gates, and Passage at the Pier Head, 10 Foot broad, strong, &c. on Penalty of 2000 lb. Tobacco, to be paid by the Owner of the Mill, and 200 lb. for every Month the Dam, &c. shall be found contrary to this Act. If the Owner be an Infant, or not resident in this Colony, the Guardian, or Attorney, shall make the Dam, &c. or be liable for

the Penalties. Tenant, not having a Term of 2 Years to come after 30 November, 1715, not obliged by this Act to make the Dam; but, in such Case, the Landlord shall. If Mill-Dams &c. are destroyed by Tempests, &c. the Owner not liable 'til 1 Month after taking Toll in the Mill. How and by whom the Penalties may be recovered. See Forfeitures.

Every Miller, having a Mill under his Charge, exempted from being listed in the Militia; but if he presumes to appear at any Muster, he shall pay 100 lb. Tobacco, or be tied Neck and Heels.

MINES.

Iron-Works.

The Founders, Keepers, or any other Persons employed in or about any Iron, Copper, Lead, or other Mine, exempted from being listed in the Militia.

An Act for encouraging Adventurers in Iron-Works.

Upon Application of the Owners, &c. of any Iron-Work, the County Court shall order Roads, Causeways and Bridges, from such Work to the nearest convenient Landing, to be made, repair'd, &c. as the other Public Roads of this Colony: And also private Roads, where required and necessary, for carrying Wood, &c. so as not to pass thro' inclosed or tended Grounds, &c. and to be made and kept by the Owners of such Work.

All Persons employed in Iron Works, exempted from the Duties of Clearing or Repairing Highways, (except those appointed by this Act) or Clearing Rivers and Creeks.

Workers in the Mines exempted from Paiment of Levies, for 5 Years.

But all tithable Persons so employed, shall be listed, as directed by the Act, 4 Ann. Cap. 7.

1 GEO. 1.
Cap. 2.
S. 3.

S. 4.

9 GEO. 1.
Cap. 2.
S. 4, 6.

9 GEO. 1.
Cap. 2.
S. 4.

1 GEO. 2.
Cap. 12.

S. 2.

S. 3.

S. 4.

S. 5.

¹ GEO. 2. Cap. 12. S. 6. If any of the Persons exempted by this Act, shall be employed in making Tobacco, the Owner, &c. shall, that Year, lose all Benefits of Exemption; and if done with his Consent, shall forfeit 500 lb. of Tobacco, for every Tithable residing upon such Plantation where the Tobacco is made; if without his Consent, the Overseer of such Plantation liable for the Penalty, to the King, and Informer.

S. 9. Persons selling Wood to the Owners of such Work, shall claim no Benefit by this Act.

^{3 & 4} GEO. 2. Cap. 13. S. 2. All Persons, except those employed in Iron-Works, exempted from Clearing Roads, Bridges, and Causeways, leading to and from Iron-Works.

S. 3. Public Roads, heretofore or hereafter ordered by the General or County Court, for the Use of the Inhabitants of the Country or County, shall be cleared and maintained by the Surveyor and Inhabitants contiguous thereto.

S. 4. Adventurers in Iron-Works, or their Managers, to have full Power to cut down and use Timber, to make Bridges on the Roads already laid out, or hereafter to be appointed.

S. 5. But shall make Satisfaction to the Owners of such Timber as shall exceed 15 Inches Diameter, at the Butt-End of the Tree; and if the Value cannot be agreed upon with the Owner, Justice to order three Freeholders to value the same upon Oath, without Fee, and report the Valuation to the Justice; which Value the Owner of the Iron-Works is to pay.

S. 6. Owner of Iron-Works not to cut down Timber fit for Clapboards, without Consent of Owner.

S. 7. All Persons employed about any Iron-Work, or any other Thing necessary for carrying on the same, exempted from serving in the Militia, except in Case of Invasion, Insurrection, or Rebellion.

All such Persons, being Tithables, shall be subject to Paiment of Parish and County Levy, but are exempted for 7 Years from paying Public Levies: And that all such Tithables employed in any Iron-Works hereafter to be erected, shall, for the like Term of 7 Years, from the Beginning of such Works, be exempted from the Paiment of Public Levies.

Adventurers in such Iron-Works already erected, shall, for Seven Years after the passing of this Act, have Credit in the Public Levy, for as much as their Parish and County Levies amount unto: And Adventurers in Iron-Works hereafter to be erected, to have like Allowance and Credit for Seven Years after Beginning of their respective Works.

The above Exemption and Allowances to be under the like Provisions and Restrictions, as are mentioned in the Act, 1 George 2. Cap. 12.

A Confirmation of so much of the said Act, as is not altered by this.

MURDER.

An Act to prevent the destroying and murdering of Bastard Children. ^{9 ANN. Cap. 12.}

Mothers of Bastard Children endeavouring to conceal the Death of their Bastards, by Drowning, Private Burial, &c. guilty of Murder. ^{S. 2.}

NATURALIZATION.

An Act for Naturalization. ^{32 CAR. 2. Cap. 2.}

The Governor may grant Letters of Naturalization to Aliens, who shall take the Oaths of Allegiance, and enjoy all the Rights and Privileges of Natural-born Subjects.

Fees for the Letters Patents, viz. To the Governor, 40 s. Clerk, 10 s. ^{S. 4.}

Pur-

32 A. 2. Purchasers of Land, patented or
Cap. 2.
S. 5, 6. purchased by Aliens, and by
them sold to Inhabitants of this
Country, confirmed in the Pos-
session of such Lands.

S. 7. No Privilege granted by this Act,
to Foreigners, contrary to the
Laws of *England*.

4 ANNÆ. An Act for Naturalization.
Cap. 45.

OATHS.

*Affidavits. Affirmations. Decla-
rations.*

13 CAR. 2. None shall be admitted to be of
Cap. 2.
S. 3. the Vestry, who doth not take
the Oaths, &c. and subscribe to
conform to the Church of *Eng-
land*.

32 CAR. 2. Aliens taking the Oaths of Allegi-
Cap. 2.
S. 2. ance, &c. shall be deemed nat-
ural born Subjects. See Natu-
ralization.

4 ANNÆ. At every Election of Burgesses,
Cap. 2.
S. 4. Freeholders, if required, shall be
sworn. The Oath.

Cap. 19. Justices of the General Court, shall
take the Oaths appointed by Act
of Parliament. Persons sitting,
or acting as Justices, before
taking the Oaths, forfeit 500 *l.*
Sterl. Other Oaths to be taken.
The Oath of a Judge; and the
Oath of a Judge in Chancery.
See Courts.

S. 31. Quakers Testimony shall be taken,
upon their solemn Affirmation
and Declaration.

Cap. 46. Coopers setting up Tobacco Cask,
S. 10, 11. shall be sworn. The Oath.

9 ANNÆ. Justices of Peace shall take the
Cap. 11.
S. 2. Oaths appointed by Act of Par-
liament. Acting before taking
the Oaths, forfeit 300 *l.* *Sterl.*
Other Oaths to be taken. Oath
of a Justice of Peace. Oath of a
Judge in Chancery.

16 ANNÆ. Executors and Administrators shall
Cap. 2.
S. 10. be sworn. The Oaths. Estates,
shall be valued by three Ap-
praisers, upon Oath. Executors
and Administrators shall return
an Inventory, upon Oath.

9 GEO. I. Every Commission Officer of the
Cap. 2.
S. 25. Militia, before acting, shall, in

his County Court, take the Oaths
appointed by Law, and subscribe
the Test. Every Officer present
at, and holding a Court Martial,
shall be sworn. The Oath.

Intolvent Prisoner, shall, in open 12 GEO. I.
Court, deliver a Schedule of his Cap. 3.
whole Estate, and swear to the S. 30.
Truth of it. The Oath.

Every Master of a Ship, &c. shall Cap. 4.
make Oath, That he will not S. 18.
transport any Person, without a
Pass. The Oath.

ONUS PROBANDI.

If, upon Suit brought, the Questi- 4 ANNÆ.
on shall arise, Whether any Per- Cap. 2.
son be a Freeholder, or not? S. 4.
the *Onus Probandi* shall lie upon
the Defendant.

If a Runaway Servant, hired upon Cap. 49.
a forged Certificate, denies the S. 22.
Delivery, the *Onus Probandi*
shall lie upon the Party hiring.

If any Controversy arise, concern-
ing Notice given by the Party
intending to take up Swamps,
Marshes, sunken Grounds, or
surplus Land, the *Onus Probandi* 9 ANNÆ.
lies upon the Person who ought C. 13.
to give the Notice. See Land. S. 25.

ORDINARIES.

*Tippling Houses. Ordinary Keep-
ers. Retailers.*

An Act for Regulating Ordinaries, 4 ANNÆ.
and Restraint of Tippling Houses. C. 40.
S. 2.

Retailers of Liquors, shall sell by
sealed Measures; and Ordinary
Keepers shall provide themselves
with Gallon, Pottle, Quart, Pint,
and Half-Pint Measures; on Pe-
nalty of 10 *s.* to the Informer.
Bottled Liquors may be sold for S. 3.
so much as the Bottles contain.

County Courts may grant Licences S. 4, 5.
to Persons of Ability sufficient to
provide Entertainment for Tra-
vellers; but not to indigent Peo-
ple, under Pretence of keeping
such from being chargeable to
the Parish: Shall take Bond and
Security in 10000 *lb.* Tobacco.
Form

Form and Condition of the Bond. Shall, Annually, set the Rates of Liquors. Licences shall be sign'd by the first Justice in Commission, and continue in Force one Year. Governor's Fee, 35 s.

4 ANNÆ. Ordinary Keeper permitting unlawful Gaming, or Tippling on *Sundays*, or harbouring Sailors, or Servants, &c. Two Justices (*Quorum unus*) upon their own View, or the Oath of 1 Witness, may suppress such Ordinary, until the next Court. Persons so discharged, retailing Liquors, before such Court held, liable to the Penalties imposed by this Act, for selling Liquors without Licence.

S. 9, &c. Ordinary Keepers shall set up, and keep in the Public Room, a Table of the Rates of Liquors; on Penalty of 2000 *lb.* Tobacco, to the Crown. Exacting greater Prices, than set by the Table of Rates, forfeit 10 s. for every Offence, to the Informer.

S. 4. &c. Persons convicted of keeping a Tippling House, or retailing Liquors without Licence, forfeit 2000 *lb.* Tobacco, &c. Failing to pay the Fine, or give Security, shall receive 21 Lashes; and the Informer shall not be chargeable with any Fees, accruing upon such Information.

S. 13. Ordinary Keeper selling Liquors, upon Credit, to a Sailor, in Ship's Pay, shall not recover the Money: And more than 300 *lb.* of Tobacco, to Persons not visibly worth 50 *l.* shall be lost. If any Bill, or other Specialty be taken by him, of such Persons, for more than 300 *lb.* Tobacco, spent in one Year, he shall forfeit double the Sum of such Bill, to the Queen, and Informer. Selling Liquors to Servants, or Sailors, without Licence of their Master, forfeits 10 s. to such Master.

S. 15. Ordinary Keepers in *Williamsburg*, not restrained by this Act, from giving Credit, &c. See *Williamsburg*.

Ordinary Keeper harbouring or concealing a Seaman, &c. forfeits 500 *lb.* Tobacco, to the Informer. On Refusal of Paiment or Security, 20 Lashes.

An Act for the further Restraint of Tippling Houses, and other disorderly Places. Cap. 14.

Persons retailing Liquors, in Houses, Booths, Arbors, Stalls, &c. without Licence, liable to all the Penalties of 4 *Annæ*, Cap. 40. *Vide ut ante*. Saving to Merchants. S. 3.

ORPHANS.

Guardians. Trustees.

Orphans Land not to be alien'd. 13 CAR. 2. Cap. 67. Lands belonging to any Orphan, shall not be sold, alien'd, &c. during Minority; nor let to farm, for longer Term than 'till the Orphan be of Age: Tenant of such Lands, shall build, make Improvements, and leave the Plantation in good Repair, without Waste, &c.

Estates of Executors, Administrators, and Persons chargeable with Orphans Estates, liable for such Estates, before any other Debt. 4 ANNÆ: Cap. 33. S. 13.

County Courts shall take Security of Guardians, and Annually examine into such Security; and if defective, or the Orphans are misused, their Education neglected, or Estates imbezzled, may remove the Orphans, and Estates. May bind poor Orphans Apprentices, 'til 21 Years of Age. Masters of Orphan Apprentices shall teach them to read and write, and give them the Allowance prescribed by Law for other Servants. *Vid* 4 *Annæ*, Cap. 49.

Sec. 13. Courts may remove Apprentices misused or neglected. Court granting Guardianship of an Orphan's Estate, without good Security, liable for such Estate. S. 15.

Guardian suffering Lapse of Lands descending to an Infant, shall be answerable for the Value of such Lands. 9 ANNÆ: Cap. 13. S. 23.

11 ANN. Guardian compellable to give Security for paying the Quit Rents of Land descending to an Orphan. See Infant.

1 GEO. 1. If the Owner of a Mill be an Infant, the Guardian shall keep the Dam, &c. according to this Act, or be liable for the Penalties. See Mills.

PARDON.

32 CAR. 2. An Act of free and general Pardon, Indemnity, and Oblivion.

S. 1. All Treasons, &c. before 16 January, 1676, pardoned, and discharged: Persons in this Act after named, excepted.

S. 3. All Persons engaged in the Rebellion, restored to their Estates Real and Personal.

S. 9. No Satisfaction to be made for Wrongs done between 1 May, and 16 January, 1676, if Judgment for the same hath not been obtained before 25 April, 1679.

S. 4, 5, 6, 7. Excepted, Nathaniel Bacon. Jun. and sundry other Persons named.

S. 10. Goods of Persons not engaged in the Rebellion, taken between 1 May and 16 January, recoverable by the Owners.

S. 11. Servants acting in the Rebellion, shall lose their Time of Service, from 1 May to 16 January.

S. 12. No Judgments, &c. passed before this Act, may be avoided, altho' in Suits commenced and prosecuted before Judges not vested with legal Authority.

PARISHES.

13 CAR. 2. A Church or Chapel of Ease, to be erected in every Parish.

Cap. 5. Readers to be chosen by the Parish.

Cap. 14. Burying Places to be appointed in every Parish; and none to be buried in any other Place, except by their own Appointment.

1 GEO. 2. Every Minister shall receive, in his Parish, an Annual Salary of 16000 lb. Tobacco, with Cask, and Conveniency. Every Vestry

shall lay the Parish Levy, before October 15, Annually: The Parish Creditors shall be paid before 31 March. A Glebe shall be purchased in every Parish, and One Mansion, and other necessary Houses built thereon, for the Use of the Minister, and his Successors, at the Charge of the Parish. In vacant Parishes 16000 lb. Tobacco, and Cask, may be levied, for satisfying some other Minister to officiate, during the Vacancy. See Vestries.

No Person shall be accounted an Inhabitant of any Parish, before one whole Year's actual Residence therein.

On Complaint made by the Churchwardens, any Justice of Peace may, by Warrant under his Hand, remove poor Persons to their own Parishes. In Case of Sickness, the Parish to which such Poor belong, shall pay for the Maintenance, Cure, and Removal. Every Churchwarden refusing to receive, &c. any Poor belonging to his Parish, forfeits 20 l. One Moiety to the King, for the Use of the Poor of that Parish whence the Removal was made, the other Moiety to the Informer. If the Vestry refuses to pay the Charges of Maintenance, Cure, &c. the Court of that County wherein the Parish liable to the Paiment lies, may assess such Charges upon the Vestrymen refusing; to be levied, with Costs, by Distress.

PERJURY.

Persons convicted of wilful Perjury, or Subornation, &c. at any Election of Burgesses, forfeit 10 l. See Assembly.

Persons convicted of Perjury, in obtaining Certificate for the Rewards upon Tar, or Hemp, exported, forfeit 4 Times the Value of the Reward so obtained.

Persons convicted of winning by Fraud, any Money, &c. shall forfeit 5 Times the Value, be deemed

deemed infamous, and suffer as in Cases of wilful Perjury.

PREROGATIVE.

4 ANNÆ. Cap. 43. The Governor may, by Letters Patents, incorporate the Inhabitants of the City of *Williamsburg*, to be One Body Politic and Corporate, &c. and to hold Markets and Fairs. See *Williamsburg*.

Cap. 45. The Governor may, by Letters Patents, under the Broad Seal of this Colony, naturalize Aliens. See Naturalization.

Cap. 52. S. 14. The Governor may, by Charter, incorporate Discoverers of Indians situate Westward of the Mountains, with sole Liberty of Trading, for 14 Years.

PRIVILEGE.

Exemption.

13 CAR. 2. Privilege of *Virginia* Owners.

Cap. 134. Owners of Vessels solely and wholly belonging to the Inhabitants of this Country, exempted from the Paiment of the Duties of 2 s. and 10 s. per Hoghead.

21 CAR. 2. An Act for freeing *Virginia* Owners from Castle Duties.

32 CAR. 2. Cap. 2. S. 2. S. 7. Aliens naturalized, shall enjoy all the Privileges of natural born Subjects: But no Privileges granted to Foreigners by this Act, contrary to the Laws of *England*.

Cap. 3. S. 7. The Privileges of *Virginia* Owners confirm'd.

4 ANNÆ. Cap. 2. S. 13. All Members of the General Assembly privileged from Civil Process, in their Persons, Servants, and Estates, during the Session, and 10 Days before and after. See Assembly.

Cap. 7. S. 8. The Governor, and his Family, and the Person of a beneficed Minister, exempted from being tithable.

Cap. 19. S. 32. Witnesses at the General Court privileged from Arrests, during their Attendance, coming to, and returning from Court. See Evidence.

Virginia Owners shall only pay 4 ANNÆ. Half Fees to Collectors and Naval Officers. Cap. 27. S. 7.

The Men attending in Ferry-Boats, free of Public and County Levies, and from all Public Services. Ferry Licences shall be granted without Fee. If an Ordinary is kept at any Ferry, only Half the Governor's Fee shall be paid for the Licence; and no other Ordinary shall be kept within 5 Miles. Cap. 53.

Virginia Owners exempted from 9 ANNÆ. the Duties of 2 s. per Hoghead on Tobacco, and 1 s. 3 d. per Ton upon Shipping. See Customs. Cap. 5.

Keeper of the public Goal exempted from all Musters of the Militia, or serving on Juries. 8 GEO. I. Cap. 9. S. 5.

Persons exempted from personal Service at Musters of the Militia, and Persons privileged from being listed. See Militia. 9 GEO. I. Cap. 2. S. 3, 4.

All Constables exempted from Paiment of Levies, for their own Persons. 12 GEO. I. Cap. 4. S. 7.

Persons appointed for guarding the Batteries, exempted from all private Musters of the Militia, except at the Batteries. 1 GEO. 2. Cap. 5. S. 20.

All Persons employed in Iron-Works, exempted from the Duties of Clearing, &c. Highways, Rivers, and Creeks. Cap. 12. S. 3.

PROCESS.

Judicial Proceedings.

All Members of the General Assembly privileged from Civil Process, in their Servants, Persons, and Estates, during the Session, and 10 Days before and after. Process depending before Election, shall be stay'd 10 Days before and after every Session; but may be afterwards continued. If the Assembly is adjourned, or prorogued, longer than 20 Days, Process may commence in the Interval. 4 ANNÆ. Cap. 2. S. 13.

Process executed on a Sunday, or at a Muster of Militia, or an Election. Cap. 3. S. 6, 7.

Election of Burgeſſes, void. But Traitors, Felons, Rioters, Breakers of the Peace, or of Priſon, may be apprehended at any Time and Place.

4 ANNÆ. Cap. 19. S. 6. No Original Proceſs ſhall be brought in the General Court, for leſs than 10 *l.* Sterling, or 2000 *lb.* Tobacco, on Penalty of a Nonſuit, and Paiment of Coſts, &c.

S. 13, 14. Proceſs againſt a Councillor, or Sheriff, ſhall be by Summons: On Failure of Appearance, &c. Attachment.

S. 7. & 26. Suits againſt County Courts, or Veſtries, for Breach of Penal Laws, may be brought in the General Court, (altho' the Forfeiture be of leſs Value than 10 *l.* Sterl. or 2000 *lb.* Tobacco) againſt all the Juſtices, or Veſtrymen, jointly.

S. 32. Proceſs ſerved on any Witneſs at at the General Court, &c. void.

ANNÆ. Cap. 11. S. 13, 14. Rules for Iſſuing and Return of Proceſs in County Courts. See Courts.

S. 15. Proceſs againſt a Member of the Council, or a Sheriff, ſhall be in County Courts, as directed by the Act 4 Ann. Cap. 19. in the General Court.

S. 20. Proceſs, &c. ſhall not be diſcontinued in the County Court, altho' the Court be not held in due Courſe; but ſhall ſtand continued to the next Court. Where a Juſtice is Party in a Suit, and there be not preſent other Juſtices, ſufficient to make a Court, ſuch Suit ſhall ſtand continued to the next Court.

10 ANNÆ. Cap. 3. S. 9. Method of Proceſs againſt Defendant in Cuſtody. See Courts.

9 GEO. 1. Cap. 4. S. 3. Method of Proceſs and Trial of Slaves committing capital Crimes. See Servants and Slaves.

1 GEO. 2. Cap. 3. S. 2. After 15 April, 1728, all Proceſs in the General Court ſhall be returnable on the Firſt, or Seventeenth Days of every General Court. Proceſs returnable at any other Days, void. If any Proceſs is executed ſo late, that the Sheriff cannot make Return before the Day of Appearance, and thereupon an *Alias*, or *Plu-*

ries capias, Attachment, or other Proceſs, be awarded, ſuch ſubſequent Proceſs ſhall not be executed, but the firſt Proceſs executed ſhall be return'd; and thereupon the Plaintiff may proceed as if ſuch Writ had been returned on or before the Day of Appearance.

Upon *Non eſt inventus* return'd, the Plaintiff may ſue out an Attachment, or an *Alias*, or *Pluries capias*. 1 GEO. 2. Cap. 3. S. 8, 9.

Where the Plaintiff will proceed to Outlawry of any Defendant, in any Civil Action, upon a *Pluries capias*, or *Capias ad ſatisfaciendum*, return'd *Non eſt inventus*, an Exigent and Proclamation may iſſue, returnable upon any Return Day. S. 11.

Rules of Proceſs in Perſonal Actions, at Common Law. S. 12.

Rules of Proceſs, in Chancery. S. 15.

PROCLAMATIONS.

Two Juſtices of Peace (*Quorum unus*) may iſſue Proclamation againſt outlying Slaves. See Servants and Slaves. 4 ANNÆ. Cap. 49. S. 37.

This Act, *For regulating and ſetting the Rates of Gold Coin*, &c. ſhall not reſtrain His Maſteſty from ſettling the Rates of Coins in this Dominion, by his Roial Proclamation. 1 GEO. 1. Cap. 1. S. 7.

The Governor, with Advice of His Maſteſty's Council, may notify by Proclamation, the Orders made, relating to the Time, Place, and Manner of performing Quarentine, by Ships, &c. coming from Places infected. See Quarentine. 8 GEO. 1. Cap. 2. S. 2.

The Governor, with Advice of His Maſteſty's Council, may iſſue his Proclamation, prohibiting Grain to be exported, during ſuch Time as he ſhall judge neceſſary. See Exportation. 1 GEO. 2. Cap. 10. S. 2.

PUBLIC.

Levies. Claims. Exprefſes.

The Public ſhall ſatisfy all Charges for Proſecution of Criminals, where 18 CAR. 2. Cap. 13. S. 2.

where the Delinquent has no Estate.

4 ANNÆ. Cap. 8. S. 1. An Act concerning Public Claims. Before every Session of Assembly,

a Court shall be held in each County respectively, for Proof of Public Claims. Sheriff to appoint the Day for holding Court.

S. 4. Persons entitled to Claims, shall produce their Warrants, and prove before the Court, that the respective Services were, *bona fide*, performed, and no Satisfaction hath been received: On such

S. 5. Proof, the Clerk shall certify such Claims, by the Burgeses, to the Assembly, together with the Warrants. Clerk's Fee for Claims

S. 6. of 100 *lb.* Tobacco, or more, 20 *lb.* Tobacco, if the Claim is allowed in Assembly.

S. 8. No Public Claim shall be allowed, unless proved, and return'd by the second Session of Assembly after it became due.

S. 9. Sheriff shall be allowed for Public Services, no other Reward than is given in the Table of his Fees.

Cap. 49. S. 38. The Value of outlying Slaves, killed in Pursuance of this Act, concerning Servants and Slaves, or executed by Sentence of Law, shall be paid to the Owner, by the Public.

Cap. 53. S. 11. Public Expresses sent by, or to the Governor, Secretary, a Member of the Council, Chief Commanding Officer of the Militia, or the Clerk of the Council, superscribed, *For Her Majesty's Service*, and sign'd by the Person sending, shall be paid by the Receiver General, out of the Revenue of 2 *s.* *per* Hogshead, &c. 4 *d.* *per* Mile, going Express, and 5 *s.* *per* Day for Attendance;

S. 13. but shall produce Certificates, &c. Expresses by Water, 15 *d.*

S. 14. for the Boat, and 2 *s.* *per* Man, *per* Diem.

7 GEO. 1. Cap. 6. S. 2. Rewards for Wolves Heads shall be levied by the County where, &c. and repaid at the next Public Levy.

8 GEO. 1. Cap. 3. S. 3. Rewards for taking Indian Offenders condemned to Death, shall be paid by the Public.

Ferriage of Constables, and their Assistants, charged with conducting Runaways, going and returning, and of such Runaways, shall be paid by the County, repaid by the Public, and levied upon the Owners.

The Prison Fees, Reward for taking up, and all other Charges due for Runaways, belonging to Persons unknown, and dying in the Public Goal, shall be defray'd by the Public.

Officers and Soldiers in the Militia, drawn out into actual Service, and not discharged in 2 Days, shall be paid by the Public; as also Artificers, Sailors, Messengers, and Provisions, Tools, &c. impressed for Military Service, and the Use of Boats, Sloops, Waggon, &c.

QUAKERS.

Quakers Testimony shall be taken, upon their solemn Affirmation and Declaration.

QUARENTINE.

An Act to oblige Ships coming from Places infected with the Plague, to perform Quarentine.

All Ships, &c. coming from Places infected with the Plague shall make their Quarentine, in such Place, and Manner, and for such Time, as the Governor and Council shall direct. No Persons, or Goods, shall be landed, or put into any other Ship, &c. and none shall go on Board without Licence. The Ships, Persons, &c. shall be subject to the Governor's Orders.

If any Master, Passenger, &c. shall go on Shore, without Licence, the Ship, &c. forfeited to the King, and the Persons may be compelled to return on Board: Persons convicted of leaving such Ship, by Oath of one Witness, before a Justice of Peace, shall forfeit

forfeit, not exceeding 20 *l.* One Third to the Informer, and the Remainder to the Poor of the Parish where, &c. On Default of present Paiment, shall be committed to the County Goal one Month.

8 GEO. 1. Cap. 2. S. 4. Persons going on Board, and returning without Licence, may be compelled to return on Board, there to remain during Quarentine.

S. 5. The proper Officers may seise any Boat, &c. belonging to the Ship, and detain it during Quarentine: Suffering any Person to quit the Ship, &c. forfeit 100 *l.* to the King, and Informer: Shall cause Watches to be kept Day and Night, with Orders, not to suffer any Person to come on Shore, or go on Board, without Licence, except such who are to see the Quarentine performed.

S. 7. After Performance of Quarentine, and Proof thereof, on Oath, by the Master, &c. before a proper Officer, the Ship, &c. shall be releas'd, but the Goods shall be opened and aired, &c.

QUIT - RENTS.

13 CAR. 2. Cap. 52. The Sheriff, upon the Instance of the Treasurer, or his Deputy, to collect the Quit-Rents.

S. 1. Sheriff shall collect the Quit-Rents, if required, and pay the same in the Specie received.

11 ANNÆ. Cap. 4. S. 3. If Distress is not found upon the Land of any Infant, to satisfy the Quit-Rents, the Sheriff may distrain the Goods, &c. of the Guardian.

3 & 4 GEO. 2. Cap. 3. S. 17. S. 22. Quit-Rent Tobacco to be inspected. Distress for Quit-Rents to be sold for *Sterling*.

RELIGION.

14 CAR. 2. Cap. 5. An Act against Persons that refuse to have their Children baptized. Persons refusing to have their Children baptized, to be amerced 2000 *lb.* Tobacco.

An Act prohibiting unlawful Disturbances of Divine Service. 32 CAR. 2. Cap. 13.

Persons causing Disturbance during Divine Service, shall be put under Restraint, by any Justice, Sheriff, or other Officer present, and fined, for the first Offence, 200 *lb.* Tobacco, and for every Offence thereafter, 500 *lb.* Tobacco, and Cask; to be levied by the Sheriff, upon Warrant from a Justice of Peace.

Justices neglecting to put this Law in Execution, forfeit 500 *lb.* Tobacco, and Cask to the Parish.

An Act for the effectual Suppression of Vice, and Restraint and Punishment of blasphemous, wicked, and dissolute Persons. 4 ANNÆ. Cap. 30.

Persons educated in the Christian Religion, and, upon Information in the General Court, convicted of Atheism, Deism, or Infidelity, shall, for the first Offence, be disabled to hold any Office Ecclesiastical, Civil, or Military; second Offence, incapable of prosecuting any Action, in Law, or Equity, or to be Guardian, Executor, Administrator, Devisee, or Legatee, or to bear Office, and 3 Years Imprisonment, without Bail or Mainprize. Information for Words, &c. to be within 1 Month, before a Justice of Peace; Prosecution in 12 Months after.

Persons convicted of the first Offence, making a public Recantation, within 6 Months, discharged from Penalty. S. 3.

Persons convicted of profane Swearing, Cursing, or Drunkennels, or not being at Church once every Month, (Protestant Dissenters excepted) or profaning the Sabbath, by Gaming, Tippling, Travelling, or Working in Corn or Tobacco, forfeit 5 *s.* or 50 *lb.* Tobacco for each Offence: On Refusal of Paiment, 10 Lashes. See Justices of Peace. S. 4. &c.

Conviction of Adultery, upon the Oaths of 2 Witnesses, or Confession, 1000 *lb.* Tobacco; Fornication, 500 *lb.* Tobacco, and Cask; recoverable S. 5.

- recoverable by the Churchwardens. Refusal of Paiment, &c. 25 Lashes.
- 4 ANNÆ. Cap. 30. S. 9. S. 10. Fines arising by this Act, shall be distributed to the Poor.
- S. 11. This Act shall be read in all Churches, in *April* and *September*, Annually, on Penalty of 20 s. for every Neglect. Churchwardens to provide a Copy, at the Charge of the Parish.
- 3 & 4 GEO. 2. Cap. 2. S. 2. S. 11. Clergymen guilty of any Offences in this Act mentioned, liable to further Punishment.
- Churchwardens to make Presentment of all Offences mentioned in 4 *Annæ*, Cap. 30. to the next Court after the Offence comes to their Knowledge; which Court is to cause such Person to appear, and answer such Presentment, and to proceed thereupon as if it were made by a Grand Jury.
- S. 3. This not to take away the Power of the Grand Juries, to present such Offences, as formerly.
- S. 4. Offences punished by any Incapacity, or Imprisonment, to be tried only in the General Court; but Offenders presented in the Counties, are to be bound by Recognizance to appear at the General Court; and Record of such Recognizance and Presentment to be return'd to the Secretary's Office.
- S. 5. Marriages within the Levitical Degrees prohibited, and to be dissolved by Sentence of the General Court. See Marriages.
- S. 6. Incestuous Copulations, without Marriage, punishable by Fine, in any Court of Record; and on Refusal to pay, or give Security to pay the Fine, Offenders to be whipped, not exceeding 39 Lashes, and to be committed, 'til they give Security for their Separation.
- S. 7. All Fines imposed by Virtue of this Act, to be to the Use of the Poor of the Parish where the Offence committed.

RENTS.

- 3 & 4 GEO. 2. Cap. 9. S. 2. Goods distrained for Rent, if not replevied within Five Days, may

be appraised by 3 Freeholders, upon Oath. See the Oath, to be administered by Sheriff, Under-Sheriff, or Constable; and after Appraisement, may be sold for Satisfaction of the Rent, &c. leaving the Overplus, if any, for the Owner's Use.

3 & 4
Geo. 2.
Cap. 9.
S. 3.

In a Special Action upon the Case for Pound Breach, or Rescous Offender, or Owner, (if the Goods come to his Use or Possession,) liable to Treble Damages and Costs.

S. 4.

Double Value of Goods distrained and sold; to be recovered by Action of Trespass, or Case, against Persons distraining without Cause.

S. 5.

No Goods being in, or upon any Messuage, Lands, or Tenements, leased for Life, or Years, at Will, or otherwise, shall be taken in Execution, unless the Party suing such Execution, or Extent, before Removal of the Goods, pay the Landlord all Money due for Rent at the Time of serving the said Execution.

S. 7.

Provided the Arrears do not amount to more than one Year's Rent; and if more, then the Person suing, paying one Year's Rent, may proceed to execute his Judgment; and the Sheriff, or other Officer levying Execution, shall levy as well the Money or Tobacco so paid for Rent, as the Execution Money.

S. 7.

Goods fraudulently carried off demised Premises, to prevent Distress for Rent, may be seized within 5 Days, where-ever found, and may be sold as if actually distrained upon the Premises.

S. 8.

Except Goods *bona fide* sold before Seizure.

S. 9.

Actions of Debt may be detained for Rent Arrear, due from a Tenant for Life or Lives, in the same Manner as a Rent reserved upon a Lease for Years.

S. 10.

Rent Arrear upon Lease for Life or Lives, Years, or at Will determined, may be distrained for after the Determination of such Leases.

S. 12.

Such

- 3 & 4 Such Distress to be made within 6
Geo. 2.
 Cap. 9.
 S. 13. Months after the Determination
 of the Lease, and during the Con-
 tinuance of the Landlord's Title,
 and the Possession of the Tenant.
- S. 14. This Act not to extend to any
 Debts, Fines, Penalties, or For-
 feitures, due to His Majesty.

RIVERS.

*Creeks. Havens. Harbours. Rol-
 ling-Houses. Public Landings.
 Weirs.*

- 4 ANNÆ. Masters of Ships, &c. permitting
Cap. 27.
 S. 13, &c. Ballast, to be cast into any
 River, Creek, &c. or the Body
 of any Person dying on Board,
 to be cast into the Water, forfeit
 10 l. to the Crown and Informer.
- Cap. 39. All Places having Rolling-houses,
 S. 9. shall be accounted Public Lan-
 dings.
- S. 10. Persons shall be appointed by the
 County Courts, Annually, to
 clear Rivers and Creeks: Failing
 to perform this Duty, in *March*
 and *October*, forfeit 15 s. Per-
 sons felling Trees into a River,
 &c. and not removing, imme-
 diately, forfeit 10 s. for the first
 Offence, and 15 s. for every Offence
 after, to the Informer. Setting
 a Weir in a River, or Creek, 15 s.
 to the Informer.
- S. 11.
- 11 ANNÆ. An Act for appointing Rolling-
Cap. 5. houses, and Public Landings, and
 ascertaining the Prices of Sto-
 rage.
- S. 1. All Houses now built and used as
 Rolling-houses, not being above
 one Mile from a Public Landing,
 shall be continued by the Pro-
 prietors; and in Case of Failure,
 may, by the County Courts, be
 granted to other Persons.
- S. 4. County Courts may appoint Pub-
 lic Landings, and Rolling-Hou-
 ses, on any Person's Land; may
 summon the Owner, or Guar-
 dian, &c. and order Rolling-
 houses to be erected, not above
 Half a Mile distant from the
 Landing. If the Owner refuses to
 build, within one Year, the

Court, upon Petition of any Free-
 holder of the same County, shall
 appoint 3 Persons to value any
 Rolling-house, already built, and
 Half an Acre of Land adjoining,
 or Half an Acre of Land, where-
 on to build; and the Petitioner
 paying down, or tending, the
 Valuation Money, to the Owner,
 shall stand seised, &c. upon Con-
 dition to keep and maintain a
 Rolling-house, &c. otherwise
 the Land to Revert: But such
 Half Acre shall not take away
 Houses, Orchards, &c. and the
 Person keeping such Rolling-
 house, shall not have any Horses,
 Cattle, Swine, &c. upon such
 Half Acre, unless kept inclosed,
 on Penalty of 5 s. for every Beast
 found at large upon the adjacent
 Lands; recoverable before a Jus-
 tice of Peace.

Rates of Storage, viz. For a Cask S. 8.
 containing 60 Gallons, or up-
 wards, and every Bale, &c. of
 like or greater Bulk, 1 s. for the
 first 3 Months, and 6 d. per
 Month after. For every Cask,
 Bale, or Parcel of less Contents,
 6 d. and 3 d. per Month after.
 Grain unpacked, for every 16
 Bushels, 1 s. the first Day, or 3
 Months, and 6 d. per Month
 after. To be paid before Remo-
 val of the Goods.

Keepers of Rolling-houses refusing S. 9.
 to receive Merchandises, or suf-
 fering Goods to be damaged, or
 lost, liable for all Damages.

Persons aggrieved by any Order of S. 10.
 the County Court, made in Pur-
 suance of this Act, may appeal.

An Act for explaining and amend- 7 GEO. 1.
 ing an Act, intituled, *An Act* Cap. 7.
for appointing Rolling-houses,
and Public Landings, and ascer-
taining the Prices of Storage.

If the County Courts find any Rol- S. 2.
 ling-houses at inconvenient Dis-
 tance from the Landings, they
 they may discontinue such, and
 order new Houses to be built
 convenient. Have Power of com-
 ing at the Land, &c. After a
 Rolling-house is discontinued by
 the

S. 3.

the Court, no Tobacco lodged therein shall be accounted convenient, nor any Storage demandable.

7 GEO. 1. Owners of Rolling-houses shall keep
Cap. 7. fit Persons to take in Merchandises, or liable for Damages.
S. 4.

S. 5. Storage for Salt, or other unpack'd Commodities, the same as for Grain.

8 GEO. 1. An Act for the more effectual Clearing of Rivers and Creeks.
Cap. 7.

S. 2. Where a River, or Creek, divides two Counties, each shall contribute towards the Charge of Clearing; and if a River, &c. is in one County only, the Court of that County shall contract for the Clearing.

S. 3. No Hedge shall be suffer'd cross any River, or Creek, on Penalty of 200 *lb.* Tobacco, for setting the Hedge, and 100 *lb.* *per Week*, after Conviction, for the Continuance, to the Informer; recoverable, with Costs, before any Justice of the County where, &c.

12 GEO. 1. An Act to prevent the setting of
Cap. 7. Hedges into Rivers and Creeks, and the felling of Trees therein.

S. 2. All Hedges already made cross any River, or Creek, shall be destroyed, by the Persons who placed or made such: And no Hedges, which obstruct the Course of any River, or Creek, shall be placed therein. Penalty, in both Cases, 500 *lb.* Tobacco, and Costs, to the Informer, besides all former Penalties. Persons suffering such Hedges to continue, after Conviction, forfeit 500 *lb.* Tobacco *per Week*, to the Informer, over and above all former Penalties.

S. 3. Whoever shall fell a Tree into any River, or Creek, and neglects to remove the same in 48 Hours, forfeits 15 *s.* *per Tree*, to the Informer; recoverable before a Justice of Peace.

S. 4. Owners of Land on both Sides of a Creek, whereon there is no Public Landing, not restrained by this Act.

S E C R E T A R Y.

Secretary's Office.

Secretary shall deliver the Writs 4 ANN. for Election of Burgeses, to the Sheriff of each County, on Penalty of 40 *l.* See Assembly. Cap. 2. S. 2.

Persons requiring a Pass, shall give Cap. 12. Bond and Security in the Secretary's Office, in 2000 *l.* *Sterl.* or produce Certificate from a County Court Clerk: But any Person giving Bond and Security in 500 *l.* may enter a Caveat; and a Pass shall not issue, unless the Party stopped give Bond and Security in double the Sum claimed by the Person entering Caveat. Secretary shall appoint Deputies for granting Passes, on Penalty of 50 *l.* Refusing a Pass, unless Caveat entered, forfeits 500 *l.* Deputies shall, Annually, certify all Passes, &c. to be registred in the Office. Secretary shall cause to be registred, Passes granted by himself. Penalty on Failure, 5 *l.* See Transportation.

The Table of Secretary's Fees, to be paid by the Party at whose Instance the Business is performed. Other Fees due to the Secretary, for Public Commissions, &c. to be paid by the respective Counties. S. 6 GEO. 2. Cap. 10. S. 1.

The Clerk of the Secretary's Office shall cause to be set up, and kept in his Office, a fair Table of the Fees given by this Act, on Penalty of 2000 *lb.* Tobacco, for every Day such Table shall be found missing. Taking greater Fees, forfeits 2000 *lb.* of Tobacco. S. 2. S. 4. S. 5.

Before 25 November, Annually, the Clerk of the Secretary's Office shall deliver to the Sheriff of each County, the Accounts of Fees due to the Secretary, in such respective County, and shall sign such Accounts. The Sheriff shall, on or before the last of May, Annually, S. 7. S. 8.

nually, account with the Secretary, or his Agent, for such Fees, abating 4 *per Cent.* for Collection. Sheriff failing to pay, the Secretary, upon Motion in the General or County Court, may have Execution against such Sheriff. Ten Days Notice to be given of such Motion.

SEIZURE.

- 4 ANNÆ. Cap. 25. S. 2. The Gun, and Ammunition of any free Indian, found hunting upon patented Lands, may be seized by the Proprietor of the Land, to his own Use. *See* Indians.
- Cap. 49. S. 35. Horses, Cattle, and Hogs, belonging to a Slave, or of any Slave's Mark, shall be seized, and sold, by the Churchwardens of the Parish where found, to the Use of the Poor.
- 9 GEO. 1. Cap. 2. S. 11. Horses, Accoutrements, Arms, and Ammunition, provided and kept in Pursuance of this Act, *For the Settling and better Regulation of the Militia*, shall not be liable to Seizure or Distress.
- Cap. 4. S. 14. Gun, Ammunition, or Weapon, found in the Hands or Possession of any Negro, Mulatto, or Indian, (not licenced, or excepted by this Act,) may be seized; and upon Proof made, before any Justice of that County where taken, shall be to the Seiser, and Informer.
- 12 GEO. 1. Cap. 1. S. 21. Collectors of the Duties upon Liquors may, in the Day Time, enter, or by Warrant from a Justice of Peace, and accompanied by a Constable, break open any House, Warehouse, &c. to search for, seize, and carry away Liquors liable to a Duty, and for which the Duty is not paid.
- Cap. 6. S. 3. Tobacco imported from *North-Carolina*, or the Bounds in Controversy, may be seized, and sold. *See* Tobacco.
- 1 GEO. 2. Cap. 10. S. 3. Grain, &c. put on Board for Exportation, during a Prohibition, shall be forfeited, and may be seized by any Officer of the Customs.

SERVANTS and SLAVES.

Overseers. Free Negros. Mulattos.

Masters of Ships, &c. shall not carry out of this Colony, any Servant or Slave, without Licence from the Master, on Penalty of 50*l.* for a Servant, and 100*l.* for a Slave. *See* Transportation. 4 ANNÆ. Cap. 12.

If a Servant be convicted of Hog-stealing, the Fine shall be paid by the Master, and repaid in Service, at 150*lb.* Tob^o. *per* Month. If a Slave, 200*lb.* Tobacco, to be paid by the Master to the Owner of the Hog. If Slaves of several Masters, each to pay his proportionable Part, &c. *See* Swine. Cap. 14.

An Act declaring the Negro, Mulatto, and Indian Slaves, within this Dominion, to be Real Estate. Cap. 23.

After the passing this Act, all Slaves shall be adjudged, and descend, as Real Estate. Slaves imported for Sale by Merchants, &c. excepted. S. 2. 3.

Slaves liable to be taken in Execution for Debt, but not to escheat. Recoverable by Action Personal. Sale of Slaves need not be recorded. S. 4, &c.

Slaves of Persons dying Intestate, after the Widow's Dower set apart, shall be appraised; and the Value equally divided among all the Children, to be paid by the Heir. S. 10.

Widow seized of Slaves, in Right of Dower, and transporting any of them out of this Colony, without Consent of the Heir, forfeits all her Dower. If the Husband of such Widow so transport any such Slave, Heir in Reversion may enter, and hold the Wife's Dower, during the Life of such Husband. S. 11.

Note, This Act is explained, and amended, 1 Geo. 2. Cap. 4. S. 11.

Ordinary-keeper selling Liquors to a Servant, without his Master's Licence, forfeits 10*s.* to the Master. Imported Cap. 40. S. 14.

4 ANNÆ. Imported Servants, or Slaves, being Millers, and failing in their Duty, for the 1st and 2d Offence, shall be whipped, but on a 3d Offence, the Owner liable for the Penalties.

Cap. 48. Minister, or Reader, wittingly publishing the Banns for a Servant, or marrying such, without Certificate from the Master, forfeits 10000 lb. Tobacco to the Master. Servant so marrying, shall serve one Year. Free Person marrying with a Servant, shall pay the Master, 1000 lb. Tobacco, or serve one Year.

Cap. 49. An Act concerning Servants and Slaves.

S. 1. Christian Servants imported without Indentures, and being above 19 Years of Age, shall serve 5 Years; if under 19, 'til they are 24.

S. 2. Shall, within 6 Months after Arrival, be brought before the County Court, to have their Age adjudged, &c. or shall serve but 5 Years, altho' under 19. Servants pretending to have Indentures, but not producing any, within Two Months after being brought before a Justice, shall be barr'd from claiming any Benefit of an Indenture afterwards.

S. 3. All Persons imported, not being Christians in their Native Country, or Turks, or Moors, in Amity with the Queen, or proving their Freedom in *England*, &c. before Transportation hither, shall be accounted Slaves, notwithstanding their Conversion afterwards.

S. 4. All Persons imported, not being Christians in their Native Country, or Turks, or Moors, in Amity with the Queen, or proving their Freedom in *England*, &c. before Transportation hither, shall be accounted Slaves, notwithstanding their Conversion afterwards.

S. 5. Persons importing Free Men, selling such as Slaves, forfeit double the Sum for which such free Person is sold. But having been in *England*, &c. no Discharge from Slavery.

S. 6. Masters shall provide for their Servants, Diet, Cloaths, Lodging, &c. Shall not whip a Christian white Servant naked, without Order from a Justice, on Penalty of 40 s. to the Party injured, recoverable by Petition to the County Court, within 6 Months.

Justices of Peace may receive Servants Complaint, and bind over the Master, to answer the Complaint at the next County Court. All Complaints of Servants may be received in Court, by Petition, without other Process. If the Master refuses to comply with the Court's Order, on a 2d Complaint, the Court may direct the Sheriff to sell such Servant. And if, by Reason of Sickness, &c. the Servant cannot be sold for a Value sufficient to satisfy the Fees, the Churchwardens shall provide for the Servant, 'til Recovery and Sale, or Expiration of Time of Service, at the Costs of the Master, leviable by Distress. Servants may petition the Court for their Wages and Freedom.

Negros, Mulattos, Indians, Jews, Moors, Mahometans, or other Infidels, and Persons marrying with any such, disabled from purchasing or keeping a Christian Servant.

Contracts made by Masters with their Servants, except approved in open Court, void. Property of Goods, &c. imported or acquired by Servants, confirmed to them. Sick Servants shall not be discharged by the Master, on Penalty of 10 l. if they become chargeable to the Parish.

Allowances to Servants, (not imported upon Wages,) at the Expiration of their Time, to be paid by the Master; viz. to a Man, 10 Bushels of Corn, 30 s. in Money or Goods, and a Gun of 20 s. Value: To a Woman, 15 Bushels of Corn, and 40 s. in Money or Goods: Recoverable, upon Petition to the Court.

Duty of Servants. Resisting, or offering Violence to their Master, punishable by one Year's Service. Guilty of the Breach of Penal Laws, shall be whipp'd, unless the Fine be paid, or secured, at 20 Lashes for every 500 lb. Tobacco, or 50 s.

- 4 ANNÆ. Cap. 49. S. 15. Persons trading or dealing with Servants, or Slaves, without the Master's Licence, shall be imprisoned 1 Month, without Bail, bound to the good Behaviour 1 Year, and forfeit 4 Times the Value of the Goods: Second Offence shall be a Breach of the Behaviour: Failing to give Security, 39 Lashes.
- S. 16.
- S. 18. Women Servants, delivered of Bastards, shall for each Offence, serve 1 Year, or pay 1000 lb. Tobacco, to the Master; and the reputed Father of such Child shall, if a Freeman, give Security, to indemnify the Parish; and if a Servant, shall make Satisfaction to the Parish by Service: But if a Master gets his Servant with Child, he shall claim no Service thereby, and the Woman shall be sold for 1 Year, or pay 1000 lb. Tobacco to the Parish. Women Servants having Bastards by Negros, or Mulattos, shall pay 15 l. or be sold for 5 Years, and the Child shall be bound to Service 'til 31 Years of Age.
- S. 19. Persons intermarrying with Negros, or Mulattos, shall be imprisoned 6 Months, without Bail, and forfeit 10 l. Minister marrying White Persons with Negros, or Mulattos, forfeits 10000 lb. Tobacco.
- S. 20.
- S. 21. Servants, at the Expiration of their Time of Service, shall have their Freedom recorded in the County Court, and take a Certificate from the Clerk, to be kept by Persons hiring them afterwards. Persons entertaining Servants, without such Certificate, forfeit 60 lb. Tobacco per Day, to the Master. Runaways forging or stealing Certificates, shall make Reparation by Service, and be pilloried 2 Hours. Persons forging a Certificate, forfeit 10 l. or 39 Lashes. If a Runaway, hired upon a forged Certificate, denies the Delivery, the *Onus probandi* shall lie upon the Party hiring.
- S. 22.
- Persons taking up Runaway Servants, or Slaves, shall receive a Reward of 200 lb. Tobacco, if taken up above 10 Miles from the Master's House, or 100 lb. Tobacco, if above 5; to be paid by the Public, and levied upon the Master: But shall bring such Runaway before a Justice of Peace, and obtain Certificate. Justice of Peace shall commit such Runaway to the next Constable, to be convey'd from Constable to Constable, 'til delivered to the Master, or Goal-Keeper, and to be whipped by every Constable. Constable failing, forfeits 200 lb. Tobacco, to the Poor of the Parish where, &c.
- S. 23.
- S. 25.
- S. 26. Method of transporting Runaways cross the Bay of *Chesapeake*: Sheriff's Fee, 500 lb. Tob°. Such Runways getting up into the Country, shall be committed to a Constable, and by him delivered to the Sheriff. Officer suffering Runaways to work, forfeits 1000 lb. Tobacco, to the Owner; and liable upon any Escape.
- S. 27.
- S. 28.
- S. 29.
- S. 30. Runaway Servants shall repay all Charges of Taking up, and double the Time of Absence, by Service; to be allowed and ordered by the County Court, before whom such Servant shall be brought, at the next Court held after the retaking: But paying, or tendring Security, for the Charges of Recovery, &c. shall not be compell'd to further Service.
- S. 31.
- S. 32. Masters, or Overseers, permitting any Slaves, besides their own, to continue upon the Plantation, above 4 Hours, without Leave, forfeit 150 lb. Tobacco, to the Informer.
- S. 33.
- S. 34. Persons killing their Slaves, in Case of Resistance, under Correction, acquitted from Prosecution: But Negros, Mulattos, or Indians, lifting their Hand in Opposition to a Christian, not being Negro, &c. shall receive 30 Lashes.
- S. 35. Slaves armed with Gun, Sword, &c. or going off their Owner's Land without

without Leave, may be whipp'd, and sent Home. Churchwardens may seize and sell Horses, Cattle, or Hogs, belonging to a Slave, to the Use of the Poor. Owners of Slaves, living at a Quarter, without a Christian Overseer, liable for Damages committed by such Slaves.

4 ANNÆ. Baptism of Slaves doth not exempt them from Bondage: Children shall be bond or free, according to their Mother's Condition. Cap. 49. S. 36.

S. 37. Two Justices of Peace (*Quorum unus*) may issue Proclamation against outlying Slaves, to be published on a *Sunday*, at each Church in the County. Slaves not returning Home, after such Publication, may be killed: But if apprehended by the Sheriff, the County Court may order such Slaves to be punished by dismembring, &c. not touching Life. The Value of Slaves, killed in Pursuance of this Act, or executed by Sentence of Law, &c. shall be paid to the Owner, by the Public. Courts of Claims shall value Slaves, so killed, or executed, in Money; and the Clerk shall certify such Valuation to the Assembly.

S. 38. S. 39. S. 40. This Act shall be entred in the Register Books of each Parish, and read in Churches, by the Clerk, or Reader, the first *Sundays* in *September* and *March*, Annually, and at Court-houses, by the Sheriff, in *March*; on Penalty of 600 *lb.* Tobacco, for every Failure, to the Crown, and Informer.

10 ANNÆ. Servants and Slaves of Persons dying whilst the Crop is on the Ground, shall continue upon the Plantation 'til 25 *December*; and then the Slaves shall be delivered to the Heir. Executor shall not be answerable for any Slave dying before 25 *December*, altho' inventoried. Cap. 2. S. 17.

S. 18. S. 19. S. 20. An Act directing the Trial of Slaves, committing Capital Crimes; and for the more effectual punishing Conspiracies and Insurrections of

them; and for the better Government of Negros, Mulattos, and Indians, Bond or Free.

If any Number of Slaves, exceeding 5, shall meet to consult, plot, conspire, or advise Rebellion, Insurrection, or Murder, every Slave convicted of such Meeting, shall be adjudged guilty of Felony, and excluded all Benefit of Clergy. 9 GEO. 1. Cap. 4. S. 2.

Slaves guilty of Offences, punishable by Death, or Loss of Member, shall be committed to the Goal of that County, wherein the Offence is done. The Sheriff shall certify such Commitment to the Governor, who is to issue a Commission of *Oyer* and *Terminer*, for Trial of the Offender. The Persons commissioned, shall proceed to Trial, without a Jury; and if the Offender is found guilty, by Confession, or the Oath of One credible Witness, or the Testimony of Negros, Mulattos, or Indians, Bond or Free, with pregnant Circumstances, may pass Judgment, and award Execution. S. 3.

Penalty on Negro, &c. Witnesses, giving false Testimony. See Imprisonment. A Charge to Witnesses. Owners of Slaves may appear in their Defence at the Trial. S. 4. S. 5. S. 6.

Slaves convicted by this Act, shall be valued by the Court; and such Valuation certified to the next Session of Assembly, and allowed to the Owner. S. 7.

If any Owner, or Overseer of a Plantation permits more than 5 Slaves, besides his own, to be upon the Plantation, or Quarter, at one Time, he forfeits 5 *s.* or 50 *lb.* Tobacco, to the Informer; recoverable, with Costs, before any Justice of the County where, &c. S. 8.

But Masters may licence their own Slaves to meet, except by Night, or on *Sundays*. S. 9.

If any white Person, free Negro, Mulatto, or Indian, be found in Company with Slaves, at unlawful Meetings, or harbours any Slave, he shall forfeit 15 *s.* or 150 *lb.* S. 10.

- 150 *lb.* Tobacco, to the Informer; recoverable, with Costs, before a Justice: On Failure of present Payment, 20 Lashes. And every Slave assembled at such Meeting, shall, by Order of a Justice of Peace, be whipp'd, not exceeding 39 Lashes.
- 9 GEO. I.
Cap. 4.
S. 11. Every Justice of Peace, upon his own Knowledge, or Information within 10 Days, shall cause Offenders to be apprehended. S. 12.
- Every Sheriff, Under-Sheriff, or Constable, upon Knowledge or Information of unlawful Meetings, shall carry the Offenders before a Justice. Penalty on Justices of Peace, or Sheriffs, failing, 50 *s.* or 500 *lb.* Tobacco. Under-Sheriff, or Constable, failing, 20 *s.* or 200 *lb.* Tobacco, to the Informer.
- S. 13. If a Slave comes to any Plantation, without his Master's Leave, in Writing, the Owner or Overseer of such Plantation, or Quarter, may give him 10 Lashes.
- S. 14. No Negro, Mulatto, or Indian, shall carry Gun, Ammunition, or Weapon; if any such be found in their Hands, or Custody, they may be seized; and, upon Proof before a Justice of Peace, shall be forfeited to the Seisor; and the Offender shall be whipp'd, not exceeding 39 Lashes. But free Negros, &c. being House-keepers, or listed in the Militia, may keep 1 Gun, &c. Others, now possessed of Arms, &c. may dispose of such, before 31 October, 1723. Free Negros, Mulattos, or Indians, and Owners of Slaves, seated at Frontier Plantations, may obtain Licence from a Justice of Peace, for keeping Arms, &c.
- S. 15.
- S. 16. If a Slave is killed, in the Execution of this Act, the County Court shall, upon Application of the Owner, value such Slave in Money, and certify such Valuation to the next Session of Assembly, for Allowance.
- S. 17. No Slave shall be set free, without Licence from the Governor and Council. Slaves otherwise freed, may be taken up by the Churchwardens of the Parish where, &c. and sold to the Use of the Parish.
- Accidental Homicide of Slaves, under Correction, lawful Punishment, &c. not liable to Prosecution, or Penalty, unless such Slave is killed maliciously. Persons indicted for Murder of a Slave, and found guilty of Manslaughter, not liable to Forfeiture. But this Act shall not bar the Action of any Person whose Slave is killed, by another, or dies thro' Neglect of a Surgeon, &c. S. 19.
- All free Negros, Mulattos, and Indians, (except Tributary) above the Age of 16 Years, and all Wives of such, shall be accounted Tithables. S. 20.
- Children of Female Mulattos, or Indians, born in Time of Servitude, shall serve to the Age of 30, or 31 Years. S. 21.
- All Free Negros, Mulattos, or Indians, disabled from Voting at Public Elections. S. 22.
- This Act shall be enter'd in the Register Book of each Parish, and read at Churches and Court-houses. S. 23.
- An Act for amending the Act concerning Servants and Slaves; and for the further preventing the clandestine Transportation of Persons out of this Colony. S. 24.
- If any Runaway Servant, or Slave, taken up and brought before a Justice of Peace, shall not declare the Name of his or her Owner, he or she shall be committed, by Warrant under the Hand of such Justice, to the County Goal. S. 3.
- The Sheriff shall cause Notice of such Commitment, and Description, of the Runaway, to be affixed at the Court-house Door, and there continued 2 Months; shall also send a Copy of such Notice, &c. to the Clerk of each Church or Chappel in his County; on Penalty of 500 *lb.* Tobacco: The Clerk shall publish the Notice, &c. every Sunday, during S. 4.

- ring 2 Months after its Date, on Penalty of 200 *lb.* Tobacco.
- 12 GEO. I. Cap. 4. S. 5. If no Owner appears to claim such Runaway, within 2 Months after Commitment, the Sheriff shall deliver him, or her, to the next Constable, to be convey'd from Constable to Constable, and whipped, as directed by the Act, 4 *Annæ*, Cap. 49, until delivered to the Keeper of the public Goal.
- S. 8. The public Goal-Keeper may, by Order of Court, hire out such Runaways: The Money, or Tobacco, arising by such Hire, shall be applied towards Paiment of the Charges of Commitment, &c. and the Overplus, if any, disposed of by the Court: But the Person hiring, shall deliver such Runaway, upon Demand of the Owner, who shall pay the Charges of Taking up, Imprisonment, &c. in Case the Hire received be not sufficient.
- S. 9. The Keeper of the public Goal shall put an Iron Collar on the Neck of every Runaway let out to Hire.
- S. 12. Prison Fees for Runaways, *viz.*
 In the County Goal, *s. d. lb.* To.
 Commitment, 1 0 or 10
 Keeping, *per* Day, 0 6 or 05
 Releasement, 1 0 or 10
 In the public Goal,
 Commitment, 2 0 or 20
 Keeping, *per* Day, 0 6 or 05
 Releasement, 2 0 or 20
 Sheriff, or Goaler, taking greater Fees, forfeits 20 *s.* to the Party grieved; recoverable before a Justice of Peace: But for Runaways belonging to *Maryland*, or *Carolina*, the like Fees may be taken, as are payable in those Provinces respectively, by the Inhabitants of *Virginia*.
- S. 13. Commitment and Releasement of Runaways let to Hire, shall be but once charged.
- S. 15. Fees for Runaways, belonging to Persons unknown, and dying in the public Goal, shall be defray'd by the Public.
- S. 16. Fees for Runaways, belonging to Persons unknown, and dying in the public Goal, shall be defray'd by the Public.
- For the further preventing clandestine Transportation of Persons in Debt, Servants, &c. See Transportation.
- Servants forging a Pass, or knowingly making Use of such, Pillory 2 Hours, and 30 Lashes.
- S. 20. Running away and changing Name, or Habit, shall serve 6 Months, besides all other Service due for running away.
- S. 21. Servants imported as Tradesmen, on Wages, and found ignorant, &c. compellable, by the County Court, to make Satisfaction to the Master, for all Monies advanc'd, &c. Refusing to work, shall be liable for all Damages sustain'd by the Master; and for every Day's Absence, without Leave, shall serve 2 Days, without Wages.
- S. 24. An Act to explain and amend the Act, *For declaring the Negro, Mulatto, and Indian Slaves within this Dominion, to be Real Estate*; and Part of one other Act, intituled, *An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates; and for securing Orphans Estates.*
- S. 1. The Act 4 *Annæ*, Cap 23. shall be hereafter construed as by this Act directed.
- S. 3. When any Slave shall be sold, given, or bequeathed, the Property shall be transferred as if such Slave were a Chattel: And no Remainder of any Slave shall be limited otherwise than the Remainder of a Chattel Personal, except in the Manner by this Act mentioned.
- S. 4. Slaves convey'd, &c. or descending to any Feme Covert, shall be vested in the Husband; and Slaves belonging to a Feme Sole, shall accrue to her Husband, when she marries.
- S. 5. Any Infant, above the Age of 18 Years, may bequeath Slaves, by Will in Writing.
- S. 6. No Slave shall be forfeited, except in Cases where Lands and Tenements are liable to Forfeiture.
- Executors,

1 GRO. 2. Executors, &c. shall not sell Slaves, except for Paiment of Debts; and then only where the Personal Estate of the Testator, &c. falls short.

S. 8. When a Mother dies intestate, leaving Slaves other than of her Dower, the Heir shall pay a Proportion to the younger Children.

S. 9. The Property of Slaves heretofore adjudged by any Court of Record, confirmed by this Act; and also, all Remainders of Slaves, heretofore limited by Deed, or Will in Writing.

S. 12. Any Person may, by Deed, or Will, annex Slaves and their Increase, to Lands and Tenements; and Slaves so annexed, shall go, descend, &c. in Possession, Reversion, and Remainder, with such Lands, &c. And Slaves may be settled in the same Deed with Lands and Tenements, in Fee Tail, or for Life, and shall go with such Lands.

S. 13. Tenant in Tail may annex Slaves to his Estate, which shall descend under the like Limitations, as if such Settlement had been made when the Estate was first created.

S. 15. But Slaves annexed to Lands, shall be liable to be taken in Execution, and sold, for Paiment of the Debts of the Tenant in Tail, for the Time being; and such Sale shall be good.

S. 16. Slaves so annexed, belonging to any Feme Covert, shall not be taken in Execution, for satisfying any Debt of her Husband.

S. 18. Persons entitled to Right of Dower, or Partition of Slaves, may exhibit a Bill in Equity, altho' any Defendant be under the Age of 21 Years, and thereupon obtain a Decree; such Assignment of Dower, or Partition, shall be as effectual, as if made in the Methods of Common Law.

S. 19. And the younger Child, or Children, may exhibit a Bill in Equity, for recovering his or their Proportion of the Value of any Slaves, against any Heir, altho' under the Age of 21 Years.

Method of Widows recovering Dower of Slaves, &c. of their Testate Husbands. See Dower. 1 GRO. 2. Cap. 11. S. 22.

SHERIFFS.

No Sheriff, or Under-Sheriff, to practise as an Attorney in his County Court. Penalty 1000 lb. Tobacco. See Attornies. 13 CAR. 2. Cap. 49. S. 1.

Sheriff to collect the Quit-Rents, and to pay the same in the Specie received. See Quit-Rents. Cap. 52.

Sheriff, or other Officer, may restrain Persons causing Disturbance during Divine Service. Sheriff shall levy the Fines, &c. upon the Offender's Estate, by Warrant from a Justice of Peace. See Religion. 32 CAR. 2. Cap. 13.

Duty of Sheriffs, in executing and returning the Writs for Election of Burgeses. See Assembly. 4 ANNÆ. Cap. 2.

An Act prescribing the Method of appointing Sheriffs, and for limiting the Time of their Continuance in Office, and directing their Duty therein. Cap. 3.

Every County Court, Annually, between 31 January, and 31 March, to recommend 3 Justices to the Governor, who shall commissionate one of them to be Sheriff of that County for the Year ensuing. S. 1.

Governor may continue a Sheriff in his Office, 2 Years successively. S. 2.

No Person capable of being Sheriff, who is not at that Time a Justice of Peace in the same County, nor of executing the said Office longer than 2 Years successively. S. 3.

Sheriff to give Bond and Security in the Sum of 1000 l. Sterling. S. 4.

Sheriff, or his Deputy, shall execute and return all Writs to him directed, according to Law, on Penalty of 1000 lb. Tobacco for every Offence, and further liable to the Suit of the Party grieved. S. 5.

Sheriff shall not execute any Writ on a Sunday, or at a Muster of the Militia, or an Election of Burgeses. Process executed on those Days, void. S. 6.

But

- 4 ANNÆ. But Traitors, Felons, Rioters, Break-
 Cap. 3. ers of the Peace, or of Prison, may
 S. 7. be apprehended at any Time.
- S. 8. Sheriff shall take the Obligations of
 Persons in his Custody, payable
 to himself, as Sheriff, and dis-
 chargeable by the Appearance of
 the Prisoner, otherwise the Ob-
 ligation void.
- S. 9. Special Cases excepted.
- S. 10. Returns of Writs shall be according
 to the Truth of the Case.
- S. 11. *Non est inventus* shall not be re-
 turned, unless a Copy of the
 Writ be left at the Defendant's
 Place of Abode.
- S. 12. Writs against any Defendant, being
 an Inhabitant of another County,
 shall be returned according to the
 Truth of the Case, &c.
- Cap. 8. Sheriff, before every Session of As-
 S. 1, 2. sembly, shall appoint the Day
 for holding a Court in each Coun-
 ty respectively, for Proof of Pub-
 lic Claims, &c. Penalty 1000 lb.
 Tobacco. See Public.
- S. 9. Sheriff shall be allowed for Pub-
 lic Services, no other Reward
 than is given in the Table of his
 Fees.
- Cap. 9. Sheriffs shall be admitted Collectors
 of Public and County Levies, gi-
 ving Bond and Security in double
 the Sum of the Levies. Collec-
 tors Duty in paying Public or
 County Creditors. See Levies.
- Cap. 19. Duty of Sheriffs in taking and re-
 turning Bail. See Bail.
- Cap. 20. An Act for enlarging the Power of
 the Sheriff attending the General
 Court, and of the Constables of
Bruton Parish.
- S. 2. Sheriff, and his Officers, attending
 the General Court, may execute
 Summons, &c. in *Williamsburg*,
 and Half a Mile round the City;
 and make Returns.
- Cap. 32. Sheriff failing to execute Summons,
 for 24 Freeholders, to appear at
May and *November* Courts, Year-
 ly, to be impannelled a Grand
 Jury, in each County Court, for-
 feits 1000 lb. Tobacco. Sheriff
 attending the General Court, may
 summon a Grand Jury of the
 By-standers. Shall not summon

- Persons not qualified to serve on
 Juries. See Juries.
- Where no Person will administer an
 Estate, Court may appoint the
 Sheriff to take Possession. His
 Duty. Fees, 5 per Cent. *ad*
Valorem.
- Duty of Sheriffs in removing Crimi-
 nals to the Public Goal. His
 Fees; for every 20 Miles Distance,
 100 lb. Tobacco; for keeping in
 Prison, 5 lb. Tobacco *per Diem*.
 Sheriffs shall allow 8 per Cent. for
 Cask, on all Public Dues.
- Sheriff's Fee for transporting Run-
 aways cross the Bay of *Chesa-*
peak, 500 lb. Tobacco.
- Sheriff, or Officer, suffering Runa-
 ways to work, forfeits 1000 lb.
 Tobacco; and liable for any Es-
 cape. See Servants and Slaves.
- This Act concerning Servants and
 Slaves, shall be read by the She-
 riff, at the Court-house of each
 County, in *March* Court, An-
 nually, on Penalty of 600 lb. To-
 bacco for every Neglect.
- Duty of Sheriffs in executing and re-
 turning Writs, Summons, &c. to
 the County Courts. See Writs.
- Sheriff of *York* County shall be
 Keeper of the General Court Pri-
 son for Debtors. His Salary, &c.
 See Imprisonment.
- An Act for Supply of certain De-
 fects found in an Act prescribing
 the Method for appointing She-
 riffs.
- Persons recommended by the Coun-
 ty Court, and appointed Sheriffs,
 refusing to serve, forfeit 3000 lb.
 Tobacco.
- If the Court fails to recommend 3
 Persons, the Governor may ap-
 point any One of the Justices in
 Commission, tho' not sworn, to
 be Sheriff. The like Penalty for
 Refusal.
- If One of the Persons recommended,
 dies in the Time of his Sherifal-
 ty, he is to be succeeded by One
 of the Survivors. If the Person
 appointed on Failure of Recom-
 mendation dies, the Governor
 may appoint any other in the
 Commission of the Peace, to suc-
 ceed
- G g g g

- ceed the Deceased. In either Case, the like Penalty for Refusal.
- 7 GEO. I. Sheriff appointed on Failure of Recommendation, or Death of his Predecessor, shall not continue in his Office, longer than the Time limited by 4 *Annæ*, Cap. 3.
- S. 7, 8. Person paying the Fine, or serving as Sheriff, shall not be afterwards appointed to that Office in the same County, unless every other Person named in the Commission of the Peace has served after him, or paid his Fine. But if any Person appointed Sheriff, will make Oath, in open Court, that he is not able to get Security, he shall not be liable for the Penalty.
- Cap. 5. S. 6. Every Sheriff shall read this Act, *For the more effectual preventing the Tending of Seconds*, at the Court-house of his County, on Court-Days, in *June* and *July*, Annually, on Penalty of 500 *lb.* Tobacco.
- 9 GEO. I. Duty of Sheriffs, in dispersing and apprehending Slaves unlawfully assembled; and Penalties on Neglect. See *Servants and Slaves*.
- S. 24. This Act directing the Trial of Slaves committing Capital Crimes, shall be published, Annually, by the Sheriff of each County, at the Door of the Court-house, in *June* or *July* Courts, on Penalty of 500 *lb.* Tobacco to the Informer.
- 12 GEO. I. Duty of Sheriffs, Under-Sheriffs, or other Officers, in executing and returning the several Writs of Execution. See *Execution*.
- S. 24. The Sheriff shall receive Prisoners retaken upon an Escape Warrant, and make Return of such Warrant, to the Court where the Judgment against such Prisoner was given; and if the Person, so retaken, shall afterwards escape, the Sheriff shall be liable for such Escape.
- S. 18. Sheriff, or Officer, neglecting to pay Monies by him levied upon a *Fi. Fa.* the Party to whom the same is payable, may sue forth a *Sci. Fa.* to have Execution against such Officer.

Duty of Sheriffs, by the Act, *For Relief of poor Prisoners for Debt, &c.* See *Insolvent Debtors*.

Sheriff, &c. sued for any Thing done in Pursuance of this Act, may plead the general Issue, and give this Act in Evidence.

Notice of Commitment, and a Description of the Runaway committed to the County Goal, shall be, by the Sheriff, set up at the Court-house, and there continued 2 Months; and a Copy of such Notice, &c. shall be by him sent to the Clerk, or Reader, of each Church, or Chappel, in his County, on Penalty of 500 *lb.* Tobacco. If no Owner appears, to claim such Runaway, within 2 Months after Commitment, the Sheriff shall deliver him, or her, to the next Constable, to be convey'd from Constable to Constable, and whipp'd, as directed by the Act, 4 *Annæ*, Cap. 49, until delivered to the Keeper of the public Goal.

Prison Fees for Runaways. See S. 12. *Servants and Slaves*.

Sheriff, or Goaler, taking greater Fees, forfeits 20 *s.* to the Party grieved; and shall repay all Fees received, over and above the Allowances given by this Act; recoverable before a Justice of Peace.

Sheriff may seize Tobacco imported from *North Carolina*, or the controverted Bounds. See *Tobacco*.

The Table of Sheriffs Fees. Officer taking greater Fees, forfeits 2000 *lb.* Tobacco, to the Party injured.

The Sheriff shall receive, and levy, all Tobacco charged upon the respective Persons in his County, by the Accounts from the Secretary's Office, and the several County Court Clerks, to him delivered before 25 *November*, Annually. On Refusal of Paiment, may distrain *Negros*, &c. Sheriff sued, may plead the General Issue, and give this Act in Evidence. On

- 5 & 6 On or before the last of *May*, An-
Geo. 2. nually, every Sheriff shall ac-
Cap. 10. count with the Secretary, or his
S. 8. Agent, and with County Court
 Clerks, for all Fees delivered him
 to collect, abating 4 *per Cent.*
 for Collection, together with a
 Deduction for Persons not inha-
 biting, or having no Estate in
 his County. On Failure, the
 Court may, upon Motion, enter
 up Judgment, and award Exe-
 cution. Ten Days Notice of such
 Motion to be given.
- 3 & 4 Sheriff disabled to sit in the House
Geo. 2. of Burgeses.
Cap. 10.
- S. 2. Member of the House of Burgeses
 S. 3. exempted from being Sheriff.
- Cap. 14. The Act of 7 *Geo. 1.* Cap 4. made
 perpetual.

SHIPS.

*Sloops. Boats. Ship Master and
 Officers. Mariners. Sailors.*

- 32 CAR. 2. Duty upon Ships, &c. coming to
C. 3. this Colony, 1 s. 3 d. *per* Ton,
S. 3. and 6 d. *per* Poll, for every Per-
 son imported, not being a Mari-
 ner in actual Pay.
- S. 4. Master of a Ship, &c. shall deliver
 his Boatwain's Book to the Col-
 lectors, upon Oath; and if he
 conceal any Part of his Freight,
 or Number of Persons imported,
 or makes false Entry of the Ship's
 Burthen, forfeits 100 *l. Sterling*,
 and treble Duties.
- S. 5. Master shall give Bond for paying
 the Duties of Tobacco entred at
 the Custom-house in *England*,
 more than shall be entred and
 paid for here.
- S. 7. *Virginia* Owners of Ships, &c. ex-
 empted from Paiment of the Du-
 ties.
- 4 ANNÆ. Masters of Ships, &c. shall not car-
Cap. 12. ry any Person out of this Colony,
 without a Pass, on Penalty of
 paying all such Person's Debts;
 nor any Servant, or Slave, with-
 out Licence from the Master, on
 Penalty of 50 *l.* for a Servant,
 and 100 *l.* for a Slave. *See* Trans-
 portation.

- No Ship, &c. shall break Bulk, 4 ANNÆ.
 or take on Board Goods for Ex- Cap. 27.
 portation, before Entry made: S. 2. &c.
 All Duties shall be paid before
 Clearing. *See* Customs.
- Masters of Ships, &c. shall not S. 13, &c.
 permit Ballast, or dead Bodies,
 to be cast into any River, &c.
 on Penalty of 10 *l.* *See* Rivers.
- The Bodies of all Persons dying on S. 15.
 Board any Ship, &c. in this Co-
 lony, shall be buried on Shore.
- Ordinary Keeper selling Liquors to Cap. 40.
 a Sailor in Pay, without Licence
 from his Commander, forfeits
 10 s. to the Master. Selling up-
 on Credit, shall not recover the
 Money. *See* Ordinaries.
- An Act to prevent Ships failing in Cap. 47.
 Contempt of Embargos.
- Masters of Ships, &c. shall give Bond, C. 1. 2.
 not to depart this Colony, du-
 ring the Continuance of an Em-
 bargo: But Notice of such Em-
 bargo shall be given by the Col-
 lectors.
- An Act, prohibiting Seamen being 9 ANNÆ.
 harboured, or entertained, on Cap. 3.
 Shore.
- Runaway Seamen may be taken S. 2.
 up, secured, deliver'd to a Con-
 stable, and convey'd back to
 their Ship: Constable shall take
 Receipt from the Master of the
 Ship, and deliver such Receipt
 to the Naval Officer of that Dis-
 trict, and receive of him, for
 every Seaman, so taken up, if
 10 Miles, or less, 5 s. if above,
 10 s. Taker-up shall receive a S. 4.
 Reward of 20 s. if above 10 Miles,
 or 10 s. if under; to be paid by
 the Naval Officer, and repaid by
 the Master.
- Justices of Peace to grant Certifi- S. 3.
 cate for taking up Runaway Sea-
 men; wherein shall be expressly S. 5.
 declared, what Ship, &c. such
 Seaman belongs to, where taken
 up, whether 10 Miles, or more,
 or less, from the Ship, &c. and
 that the Taker-up hath made
 Oath, to the Place of Taking.
- If a Runaway belongs to a Ship, S. 6.
 &c. sail'd before he can be got
 on Board, he may be delivered
 G g g g 2 on

- on Board a Ship of War, or any Merchant Ship, if the Captain will receive him, and pay the Reward. Captains of Ships of War, receiving Runaways, shall reimburse the Naval Officer; who may pay the Rewards out of the Revenue of 2 s. *per* Hoghead, 'til reimbursed.
- 9 ANNÆ.
Cap. 3.
S. 7.
S. 8.
- S. 9. Constable suffering a Runaway Seaman to escape, or neglecting to deliver a Receipt, &c. to the Naval Officer, forfeits 500 lb. Tobacco, to the Queen.
- S. 10. Ordinary-Keeper, or other Person, harbouring, or concealing a Seaman, forfeits 500 lb. Tobacco, to the Informer: On Default of Paiment, or Security, 20 Lashes.
- Cap. 5. Duty of 1 s. 3 d. *per* Ton, upon Shipping; and 6 d. *per* Poll, on Passengers, Servants, and Slaves, imported. *Vide* 32 Car. 2. Cap. 3.
- S. 5, 6. Ships, &c. not to be charged twice the same Voiage. Method of measuring Ships.
- S. 8. Master of a Ship, &c. making short Entry of the Number of Persons imported, forfeits 10 l.
- S. 11. Ten *per Cent.* Discount shall be allow'd, upon paying the whole Duties of a Ship in one Sum.
- Cap. 8. An Act for Prevention of Abuses in Tobacco, shipped on Freight.
- S. 2. Masters of Ships, &c. shall, before Entry, give Bond, and make Oath, not to crop, cut, injure, &c. any Tobacco Cask, freight-ed on Board. Mariners injuring Tobacco Cask, or aiding, assisting, &c. forfeit 5 l. *Sterl.* to the Informer, &c. The Master liable for Damages, to the Party grieved.
- S. 4. Mariners, summoned as Witnesses, or being Informers, &c. discharged from Prosecution, or Penalty, for any Matter discovered upon the Trial.
- S. 5. Officers of the Customs, or Owner of Tobacco on Board, may search any Ship, &c. for Breach of this Act: Master, or Mariner, hindring such Search, forfeits 10 *Sterl.* to the Crown, and Informer.
- An Act for reviving and continuing 12 ANNÆ.
an Act, intituled, *An Act pro-* Cap. 7.
hibiting Seamen being harboured,
or entertained, on Shore.
- The Act 9 ANNÆ, Cap. 3. revived, S. 2.
and made perpetual.
- An Act for continuing an Act, in- 1 GEO. I.
tituled, *An Act for Prevention* Cap. 5.
of Abuses in Tobacco shipped on
Freight.
- The Act, 9 ANNÆ, Cap. 8. conti- S. 2.
nued, and made perpetual.
- An Act to oblige Ships coming from 8 GEO. I.
Places infected with the Plague, Cap. 2.
to perform their Quarentine. *See*
Quarentine.
- An Act for punishing mutinous and Cap. 6.
disobedient Seamen; and for the
more speedy Determination of
Controversies arising between
Masters of Ships, and their Crews.
- Sailors belonging to any Ship, &c. S. 2.
going on Shore, or being absent,
without Licence from the Mas-
ter, shall pay him 5 s. for every
Offence, or receive 10 Lashes:
Disobeying Orders, &c. 21 S. 3.
Lashes.
- If any Person in Ship's Pay, refu- S. 4.
ses to obey his Commander, &c.
or offers to strike, or threatens
the Master, &c. or neglects his
Duty, Two Justices may fine
the Offender in 3 Months Pay,
and award corporal Punishment.
Refusal of Paiment, or Security
for the good Behaviour, 39 Lash-
es, and to be remanded on Board.
- No Master of a Ship, &c. shall hire S. 5.
any Seaman, who hath belonged
to any other Ship, without a
Discharge from his former Com-
mander, on Penalty of 10 l.
- Seamen travelling without Certifi- S. 6.
cate, may be taken up as Run-
aways. Ordinary Keeper enter-
taining such, liable to the Pe-
nalties of 9 ANNÆ, Cap. 13.
- Masters of Ships, &c. shall provide S. 7.
sufficient Diet and Accomodation
for all Persons in the Ship's Ser-
vice: In Case of Neglect, or Re-
fusal, any Justice of Peace, &c.
may award Satisfaction to the
Party injured.

On

- 8 GEO. I. On discharging a Seaman, shall give
Cap. 6.
S. 8. him a Certificate of Discharge,
on Penalty of 5 l. recoverable be-
S. 9. fore a Justice. If a Commander
immoderately beats any of his
Crew, he shall be bound to the
good Behaviour, and liable to
the Suit of the Party grieved.
S. 10. This Act shall not limit the Juris-
diction of the Court of Admi-
ralty.

12 GEO. I. Duty of Masters or Purfers of Ships,
Cap. 1. &c. importing Liquors, liable
to a Duty. See Liquors.

Cap. 4. Every Master of a Ship, &c. before
S. 18. Clearing out, shall make Oath,
that he will not carry out of this
Dominion, any Person without a
Pass.

S. 19. Taking such Oath, shall not dis-
charge the Master from any Pe-
nalties to which he is liable by
the Act, 4 Annæ, Cap. 12.

1 GEO. 2. If any Master of a Ship, &c. shall
Cap. 7.
S. 9. turn away from the Service of his
Ship or Vessel, any sick or disabled
Sailor, without taking Care for
his Maintenance and Cure, he
shall forfeit 10 l. to the Church-
wardens of the Parish where such
Sailor becomes chargeable, and
shall be further liable for all Ex-
pences of Maintenance and Cure.
No Act of Limitation pleadable.

STATUTES.

4 ANNÆ. Part of the Statute 7 & 8 Will. 3.
Cap. 19.
S. 31. Cap. 34. intituled, *An Act that
the solemn Affirmation and De-
claration of the People called
Quakers, shall be accepted, in-
stead of an Oath in the usual
Form*, Enacted.

9 ANNÆ. The Statute 21 Jac. 1. Cap. 27, E-
Cap. 12.
S. 1. nacted.

Cap. 13. Part of the Statutes 21 Jac. 1.
Cap. 16. and 32 Hen. 8. Cap. 2,
Enacted.

12 GEO. I. Part of the Statute 21 Jac. 1. Cap.
Cap. 3.
S. 6. 24, Enacted.

S. 10, &c. Part of the Statutes 16 & 17 Car. 2.
Cap. 5. 1 Annæ, Cap. 6. and 5
Annæ, Cap. 9, Enacted.

S. 28. The Statute 3 Will. & Mary, Cap.
14, for Relief of Creditors a-

gainst fraudulent Devises, shall
be in Force in this Colony.

Part of the Statute 10 Annæ, Cap. 12 GEO. I.
20, Enacted. Cap. 3.
S. 30.

The several Statutes of Jeofails,
now in Force in England, for so
much as relates to any Misplead-
ing, Jeofail, and Amendment,
shall be in full Force in this Do-
minion. 1 GEO. 2.
Cap. 3.
S. 25.

STRAYS.

Waifs.

An Act concerning Waifs and Strays. 4 ANNÆ.
Cap. 13.

Every Person who shall take up any
S. 1. stray Horse, Mare, Cattle, or Boat
adrift, shall advertise such Taking-
up, Two Sundays successively, at
each Church or Chapel in the
County, within One Month
after Taking-up; and if no Own-
er then appear, at the next Coun-
ty Court. 5 s. Reward shall be
paid by the Owner, to the Ta-
ker-up: But if he fails to adver-
tise, or makes use of such Stray,
or Boat, he shall forfeit 15 s. to
the Informer; recoverable, with
Costs, before a Justice, and shall
also be liable for double Damages
to the Owner.

When any Horse, Mare, or Cattle, S. 24
above Two Years old, or Boat,
shall be taken up, and no Owner
appears in 12 Months after Ad-
vertisement, the Taker-up shall
have such Stray, &c. appraised,
by Warrant from a Justice, and
then the Property vested in him;
but answerable to the Owner for
the Valuation, deducting the
Reward.

SURVEYORS.

An Act directing the Duty of Sur- 4 ANNÆ.
veyors of Land, and ascertain- Cap. 22.
ing their Fees.

Surveyors shall be sworn, in the S. 1, 2.
Court of their respective Coun-
ty. Refusing to survey, upon
Request, and Notice, forfeit
4000 lb. Tobacco.

Surveyor

4 ANNÆ.
Cap. 22.
S. 3.

Surveyor shall see every Survey by him made, plainly bounded by natural or artificial Bounds; shall, within 6 Months, give his Employer, a Plot of the Land survey'd, and keep a Book of his Surveys. His Fee, for a Survey not exceeding 1000 Acres, 500 *lb.* Tobacco; and 30 *lb.* Tobacco, for every 100 Acres above 1000. Taking greater Fees, forfeits 2000 *lb.* Tobacco.

S. 4. If the Surveyor be hindred from finishing a Survey, Fee 250 *lb.* Tobacco.

S. 5. No Survey shall be made, without Chain-carriers, upon Oath; to be administred by the Surveyor.

S. 6. Entries of Land shall be valid, 'til Notice given by the Surveyor, that he is ready to survey: But if, within 1 Month after Notice, the Party fails to attend, &c. the Survey, such Entry shall be void.

S. 8. Surveyor shall not, within 6 Months after Survey, give a Copy of the Plot, to any Person, besides the Proprietor of the Land, on Penalty of 500 *lb.* Tobacco, for every 100 Acres, to the Party injured.

S. 10. Surveyor's Duty in entring Plots of all Surveys by him made. Penalty on Failure in any of the Premises, 2000 *lb.* Tobacco, to the Crown, and Informer.

S. 11, 12. County Courts may appoint Inspectors to examine the Surveyor's Books: And on the Death, or Removal, of any Surveyor, may take his Books, to be preserved among the Records, or let to the next Surveyor, who shall be sworn for the safe Keeping, &c.

S. 13. Fee for surveying a Lot, in Towns, 20 *lb.* Tobacco.

12 ANNÆ.
Cap. 3.
S. 2. Surveyor shall return to the Secretary's Office, a Plot of every Survey by him made; and certify the Quantity of barren, and plantable Acres.

S W I N E.

Hog-stealers.

An Act against stealing Hogs.

4 ANNÆ.
Cap. 14.
S. 1.

Every Person stealing any Hog, Shoat, or Pig, shall receive, at the common Whipping-Post, &c. 25 Lashes, or pay 10 *l.* for the first Offence: If the Offender be a Negro, Mulatto, or Indian, 39 Lashes; and shall also pay 400 *lb.* Tobacco for every Hog, &c. One Moiety to the Informer, and the other to the Owner of the Hog, &c. On a 2d. Offence, shall, on a Court Day, stand 2 Hours in the Pillory, with both Ears nailed thereto, and then cut loose; and shall pay 400 *lb.* Tobacco, for every Hog, &c. to the Owner, and Informer. County Courts may award Execution; saving Liberty of Appeal to the General Court, on giving Bond, and Security, in 20 *l.* Sterl. for Appearance.

If the Offender be a Servant, the S. 2, 3. Fine shall be paid by the Master, and repaid in Service, at 150 *lb.* Tobacco *per* Month: If a Slave, 200 *lb.* Tobacco shall be paid by the Master, to the Owner of the Hog.

Every Offender may be particularly S. 4, 5. prosecuted, and punished: If Slaves of several Masters offend, each shall pay his proportionable Part of 200 *lb.* Tobacco, for one Hog, &c.

If any Person the third Time offend, S. 6. he shall be adjudged a Felon.

Persons bringing home, or receiving S. 7, 8. any Hog, &c. without Ears, (except proved to be their own Hog, &c.) and not discovering the same to a Justice of Peace, shall be deemed Hog-stealers.

Indians Hogs shall be mark'd with S. 10. the common Mark of each respective Town. Whoever buys, or receives Pork, from an Indian, and cannot prove it was so mark'd, forfeits 1000 *lb.* Tob^o. to the Crown, and Informer.

Hunting,

4 ANNÆ.
Cap. 14.
S. 11.

Hunting, Shooting, &c. unmark'd Hogs, upon other Persons Lands, prohibited, on Penalty of 1000 lb. Tobacco. Whoever kills such Hogs, upon his own, or unpattented Lands, shall, within 3 Months, notify such Killing, upon Oath, to a Justice of Peace, and obtain Certificate, &c. or be deemed a Hog-stealer.

TOBACCO.

Plants. Cask. Seconds. Inspectors. Warehouses.

20 CAR. 2.
Cap. 7.

An Act concerning the Property of Tobacco.

S. 2.

Marking alone, without Weighing, transfers the Property to him for whom it is marked: And if not then weighed, the Person paying it away, may, 10 Days after, upon Application to a Justice of Peace, cause it to be weighed, and his Certificate, or the Oath of his Deputy, shall ascertain the Quantity.

32 CAR. 2.
Cap. 3.
S. 2.

Duty upon Tobacco exported, viz. For every Hoghead, £ 2 s. Sterl. & every 500 lb. Bulk, £

S. 7.

Owners of Ships belonging to the Inhabitants of Virginia, exempted from the Duty.

36 CAR. 2.
Cap. 2.
S. 2.

After 1 June, 1684, Persons assembled forcibly to destroy Tobacco, or Plants, &c. guilty of High Treason. See Treason.

4 ANNÆ.
Cap. 5.

An Act against importing Tobacco from Carolina, and other Parts without the Capes of Virginia.

S. 2.

Tobacco imported from Carolina, or other Parts without the Capes, forfeited, to the Crown and Informer.

S. 3.

Saving to Persons bringing Tobacco, of the Growth of this Colony, round the Capes, &c.

S. 4.

But such Tobacco shall not be brought round, without Certificate from the Collector, &c. otherwise forfeited.

Cap. 46. An Act for improving the Staple of Tobacco; and for Regulating the Size and Tare of Tobacco Hogheads.

Persons tending Seconds, forfeit 500 lb. Tobacco, for every Tithable on the Plantation. Overseers, &c. liable for the Penalty.

4 ANNÆ.
Cap. 46.
S. 1, 2.

Persons exposing to Sale, or tending Tobacco false packed, or mixed with Stones, Sand, Dirt, Stalks, Stems, Seconds, Ground Leaves, or other Trash, forfeit 1000 lb. Tobacco, per Hoghead. Upon Information, or Suit brought, the Court shall appoint Viewers, upon Oath. Five lb. per Hoghead, to be allowed for Sand, Dirt, and mean Tobacco.

S. 3.

S. 4.

S. 5.

S. 6.

Creditor failing to demand, or receive his Tobacco, before 31 January, the Debtor may, at any Time in February, make a Tender before 2 Justices, who shall appoint 3 Viewers, upon Oath, to weigh and mark the Tobacco, (if by them found merchantable) for the Creditor; and the Debtor producing Certificate thereof, to the next County Court, shall be discharged: But Tender shall be made, according to Specialty; and the Debtor shall preserve the Tobacco, &c. as his own, and defray the Charge of the Tender. Viewer's Fee, 20 lb. Tobacco per Day.

S. 7.

S. 8.

Tobacco Casks shall be made of dry, well season'd Timber, the Stave $\frac{1}{2}$ of an Inch thick, on the thinnest Edge; and not exceeding 48 Inches in Length, and 30 Inches diameter on the Inside of the Head. Coopers shall be sworn, and take Certificate.

S. 9.

S. 10.

The Oath. Persons employing their Servants, or Slaves, in making Tobacco Casks, shall make Oath, and obtain Certificate. Coopers setting up Casks contrary to this Act, or before Oath made, &c. forfeit 500 lb. Tobacco per Cask. All the Forfeitures appropriated, One Moiety to the Queen, the other to the Informer. Reasonable Allowance to be made for Increase of Weight in Tobacco Casks, by the Moisture of the Tobacco, or Weather, &c.

S. 11.

S. 12.

Buyers

- 4 ANN. Buyers of Tobacco shall receive
Cap. 46. Hogheads at the Tare Tesson the
S. 13. Cask, and allow 30 lb. Tobacco
for the Cask, altho' due by Spe-
cialty, to be paid in Cask, on
S. 14. Penalty of 150 lb. Tobacco to the
Informor. But this shall not ex-
S. 15. tend to Contracts, Rents, &c.
where the Cask is reserved: Nor
to Persons shipping their own
Tobacco in Casks of lawful Size,
tho' not tared.
- S. 16. Collectors of Public Dues, shall al-
low 8 per Cent. for Cask, in Lieu
of 30 lb. Tobacco.
- 9 ANN. The Duty of 2 s. per Hoghead,
Cap. 5. Box, Chest, Case, Barrel, or 500 lb.
Bulk Tobacco, shall be paid by
the Exporter. Virginia Owners
exempted. Vid. 32 Car. 2. Cap. 3.
- Cap. 8. An Act for Prevention of Abuses in
Tobacco shipped on Freight. See
Ships. This Act made perpetual
by another Act, 1 Geo. 1. Cap. 5.
- 7 GEO. I. An Act for the more effectual pre-
Cap. 5. venting the Tending of Seconds.
- S. 2. Persons Tending Seconds, Suckers,
Slips, &c. forfeit 500 lb. Tobac-
co for every Tithable employed
in the Crop, besides all other Pe-
nalties.
- S. 3. Owners of Plantations shall cut up,
&c. Stalks, Roots, and Suckers,
in 20 Days after cutting off the
Plants, on Penalty of 200 lb. To-
bacco for every Person above 7
Years of Age, residing on the
Plantation.
- S. 4. Overseers liable to the Penalties for
Breach of this Act. One Moiety
S. 5. of the Fines shall be to the King,
the other to the Informor.
- S. 6. This Act shall be read at County
Courts, in June and July, An-
nually, on Penalty of 500 lb. To-
bacco.
- 12 GEO. I. An Act for the more effectual pre-
Cap. 6. venting the bringing Tobacco
from North-Carolina, and the
Bounds in Controversy.
- S. 2. Any Person who shall bring, sell,
buy, or receive Tobacco from
Carolina, or any Place with-
in the controverted Bounds, for-
feits 10 l. for every Hoghead,
Barrel, or Parcel.
- Sheriff, or Constable, may seise To-
bacco imported contrary to this
Act; and upon Information of
such Seisure, made to the Coun-
ty Court, the Tobacco seised, shall
be sold by Auction; and the
Monies arising by such Sale, af-
ter Deduction of Charges, shall
be, one Moiety to the King, the
other to the Officer making the
Seisure.
- After Settlement of the Boundaries
between Virginia, and North-
Carolina, Tobacco made within
the Limits of Virginia, shall not
be liable to Forfeiture.
- The Act 1 Geo. 2. Cap. 4, For the
better and more effectual improv-
ing the Staple of Tobacco, Re-
pealed.
- Constables to view all Fields of To-
bacco, between Last of July, and
10 August, Yearly, in order to
discover whether any Slips or
Suckers be turned out, or tended,
above the Height of Nine Inches
from the Ground; and the Own-
er or Overseer failing to cut up
and destroy such Slips, Constable
shall do it. Penalty on Persons
refusing to shew all their Fields of
Tobacco. 500 lb. Tobacco for
each Tithable employed in To-
bacco that Year: And Constable
tending Slips or Suckers liable to
like Penalty.
- Constable's Oath.
- Penalty on Constables not doing
their Duty, 1000 lb. Tobacco.
- Allowance to Constables, 1 lb. of
Tobacco per Poll, to be levied and
distributed, in Proportion to the
Number of Tithables in the re-
spective Precincts: And for every
100 Tobacco Stalks having Suck-
ers growing thereon, of the Height
of Nine Inches from the Ground,
20 lb. Tobacco, to be paid by the
Owner or Overseer; recoverable
before a Justice.
- Courts to order Prosecutions upon
the Information of the Consta-
bles.
- Penalties, One Half to the Pa-
rish, and the other to the Infor-
mer, with Costs.

3 & 4
GEO. 2.
Cap. 3.
S. 2. All Tobacco exported after the 1st of *August*, 1731, shall be brought to some Public Warehouse, and viewed and inspected.

S. 3. No Tobacco to be put on Board any Ship, &c. before it be viewed and inspected.

All Tobacco to be exported, shall be received from, and taken on Board at the Warehouses. Masters of Ships, &c. shall make Oath not to permit any Tobacco to be taken on Board, except in Hogheads, &c. stamp'd by some Inspector. Penalty of 20*l.* for every Hoghead, Cask, or Case of Tobacco taken on Board, contrary to this Act; and the Tobacco forfeited.

S. 4, 5. Tobacco found on Board any Vessel in Bulk or Parcels, forfeited, and Skipper to forfeit treble the Value; and every Servant on Board concealing the same, to be whipt, and Skipper, if a Servant, to be whipt; and if he offend a 2d Time, the Person employing him, forfeits treble the Value, and Five Shillings for every Day he is employed afterwards as a Skipper; recoverable before any Justice of the *Quorum*, where the Emploier resides. *N. B. A further Penalty on Bulk Tobacco, by 5 & 6 Geo. 2. Cap. 9. Sect. 3.*

S. 6. Tobacco may be Water-born from one Plantation to another, if packed in Hogheads. *See the Act 5 & 6 Geo. 2. Cap. 9. S. 4.*

S. 7. If any Person trusted to carry Tobacco to a Public Warehouse, shall land it at any other Place, or put it on Board any Vessel, before delivered at a Warehouse, or shall open and take out any Tobacco, Felony.

S. 8. Unless forced on Shore by Weather, or Leakiness of the Vessel, so as the Landing be for Preservation of the Tobacco.

S. 9. If Tobacco receives Damage in carrying from the Warehouse to the Ship, so that the Master refuses to receive it on Board, it shall be carried to some Warehouse, and repack'd, view'd, and stamp'd, without Fee.

All Tobacco shall be viewed by 3
Inspectors appointed by the Governor and Council. Their Duty. *See the Act 5 & 6 Geo. 2. Cap. 9. Sect. 6, 13.*

Inspectors shall give Notes for all Tobacco received, which shall be Current in all Tobacco Paiments in the adjacent Counties, not separated by any of the Great Rivers, or Bay. S. 11.

Shall allow 30*lb.* Tobacco for Cask of Tobacco, brought to pay Debts; shall receive 5*s.* *per* Hoghead, of the Person to whom paid. Hoghead not to weigh less than 800 nett, and 30*lb.* Tobacco to be allowed the Inspector for the Cask.

Allowances for Wasting, 2 *per Cent.* if paid within 2 Months; 1 *per Cent.* for every Month after; but not to exceed 6 *per Cent.* in the Whole.

Inspectors shall be allow'd in their Accounts, all necessary Charges. S. 12.

Masters of Ships prohibited to carry Tobacco to or from any Warehouses, in any Boat or Vessel mann'd by their Sailors, under the Penalty of 10*l.* for every Hoghead, Half to the King, Half to the Informer. S. 13, 14.

N. B. Penalty for carrying Tobacco from the Warehouses, by 5 & 6 Geo. 2. Cap. 1. Sect. 3.

Penalty on carrying Tobacco to and from the Warehouses, not to extend to Masters of Ships coming in to purchase their Lading, or their Super-Cargos. S. 15.

Inspectors refusing or delaying to pay their Notes, forfeit double the Value to the Party injured; recoverable, if the Note exceeds not 200*lb.* Tobacco, before a Justice of the Peace; if above, in any Court of Record. S. 16.

Quit-Rent, and other Public Tobacco, to be inspected and paid at a Public Warehouse. Allowances to the Persons paying such Tobacco in the several Counties. S. 17.

Allowance to the Sheriff, or Collector, 4 *per Cent.* for Tobacco paid in Inspectors Notes. S. 18.

H h h h

County

- 3 & 4
Geo. 2.
Cap. 3.
S. 19. County Courts and Vestries shall levy Allowances for all Tobacco to be paid convenient, with 4 *per Cent.* for Collecting, and 4 *per Cent.* for Cask.
- S. 20. All Public Debts shall be discharged by the Sheriff, or Collector, in the same Notes they receive.
- S. 21. All Public Tobacco Debts shall be paid Yearly, before the Tenth of *April*, otherwise may be distrained, and the Distress sold.
- S. 22. Distress for Quit-Rents shall be sold or redeemed for *Sterling* Money.
- S. 23. Sheriffs, &c. shall deliver all Inspectors Notes to the Creditors, before the Last of *April*, on Penalty of double the Value of the Tobacco delayed to be paid.
- S. 24. No Tender of Tobacco to be lawful, except in Inspectors Notes.
- S. 25. Penalty on Persons carrying Tobacco clandestinely to *Maryland*; Forfeiture of the Tobacco, and 20 *l.* *per* Hogshead; recoverable in any Court of Record: And Depositions taken in *Maryland*, may be given in Evidence.
Persons seising Tobacco intended to be exported to *Maryland*, if sued, may plead the General Issue, and give this Act in Evidence; and, upon Nonsuit, shall recover double Costs.
- S. 26. Scales and Weights to be provided by the Treasurer; and Inspectors to be allowed for Nails.
- S. 27. All Crop Tobacco approved by the Inspectors, shall be stamped; Receipts given for the same; and Fee for the same, to be 3 Shillings a Hogshead.
- S. 28. No stem'd Tobacco not laid straight, nor Tobacco packed in Cask not exceeding 48 Inches the Length of the Stave, or 30 Inches at the Head, shall pass.
- S. 29. Tobacco refused by the Inspectors, shall be repacked at the Warehouse, or burnt.
- S. 30. Overseers suffering bad Tobacco, liable for all Damages.
- S. 31. Weights of all Tobacco shall be entered in Books: Particular Accounts thereof to be sent on Board Ships, with the Tobacco. These

- Accounts, the Master shall produce to the Naval Officer, together with Two fair Manifests. One of the Manifests shall be annexed to the Clearance of the Ship, and the other transmitted to the chief Officer of the Customs of that Port where the Ship shall unlade.
- Inspectors shall, Annually, before the Sixth of *July*, send to the Naval Officers, Accounts of the Marks, N's, Weight, &c. of all Tobacco pass'd at their Warehouses; and the like Accounts, if any Tobacco shall be shipped after the 6th of *July*, to be by the Naval Officer transmitted to the Commissioners of the Customs.
- Inspector's Oath. S. 33.
Shall enter into Bond, with Security, in the Penalty of 1000 *l.* for the faithful Execution of his Office, and shall attend constantly, from the Tenth of *November*, 'til the Last of *June*, Yearly, except *Sundays*.
- Inspectors Tobacco, how to be viewed. S. 34.
- Inspectors Salaries appointed. Shall, Annually, or oftner, account with the Treasurer for all Sums of Money, Fees, and Profits received, upon Oath, deducting Salary, Warehouse Rent, and other Charges. S. 35. & 36.
- If Money received by Inspectors, prove Deficient, it shall be made good out of the Public Money. S. 37.
- Penalty on Inspectors for taking any Gratuity, &c. 50 *l.* to the Informer, and disabled in his Office. Persons giving or offering any Bribe, forfeits 10 *l.* Half to the King, Half to the Informer.
- No Inspector to trade. S. 38.
- May receive his own Debts. S. 39.
- Inspectors stamping bad Tobacco, to forfeit 10 *l.* for every Hogshead. S. 40.
N. B. This Penalty taken off by 5 & 6 Geo. 2. Cap. 9. Sect. 9.
- Inspectors paying away Tobacco, shall be obliged to open the Hogshead, if required. The Method to be taken, if refused. If refused, S. 41.

fed, not to tender any other Tobacco, 'til that is viewed: And if they do not produce the same Tobacco, it shall be a Conviction of its being bad.

- 3 & 4
Geo. 2.
Cap. 3.
S. 42. Penalty on forging Note, Receipt, Stamp, or packing other Tobacco in Hogheads, &c. stamp'd: Taking out any Stave, or Heading, that hath been stamp'd, and fixing it to another Hoghead, Felony.
- S. 43. Places appointed for Public Warehouses.
- S. 44. These Places declared to be the Warehouses meant by this Act. Owners of Land where Warehouses are to be built, to be summoned before Commissioners appointed by the Governor, to declare, whether they would build the Warehouses. The Commissioners shall first settle the Rent: If the Owners of the Land agree to build, the Commissioners shall take Bond for performing the same. Commissioners to take an Oath, to execute their Trust.
- S. 45.
- S. 46. If the Owner refuse to build, Commissioners shall value an Acre of Ground; and the Inspectors paying the Value of the Land, shall be seised, &c. and may build thereon. If no Person will build, the County Court shall cause the Houses, to be built; the Rents shall be paid to the County. If any Warehouse be discontinued, the Proprietor of the Land, repaying the Price, shall be seised of his former Estate.
- S. 47. Commissioners not to take away Houses, Orchards, &c. nor Inspectors to keep any Horses, Cattle, or Swine, except in an Inclosure, upon the Land appropriated for the Warehouse. Swine kept contrary to this Act, may be killed.
- S. 48. Losses sustained by Fire, to be made good by the Public.
- S. 49. Act to continue in Force for 4 Years, from 1 August, 1731, and from thence to 10 November, then next following.

An Act to prevent the malicious burning Tobacco Houses, and other Houses, and Places: For taking away Clergy from certain Offenders; and for punishing Accessories to Felonies, and Receivers of stolen Goods. 3 & 4 Geo. 2. Cap. 4.

Malicious burning of any Tobacco-house, Felony, without Benefit of Clergy. S. 2.

Masters of Ships, &c. may lawfully employ their own Sloops, Boats, and Sailors, in carrying Tobacco from the Warehouses on Board their Ships. See 3 & 4 Geo. 2. Cap. 3. Sect. 13, 14. 5 & 6 Geo. 2. Cap. 1. S. 3.

An Act to explain and amend the Act, *For amending the Staple of Tobacco; and for preventing Frauds in His Majesty's Customs.* Cap. 9.

Master of any Ship, &c. where Bulk Tobacco shall be found, shall, over and above the Forfeiture thereof, forfeit 20 s. for every 100 lb. which shall be found on Board his Ship; Half to the King, Half to the Informer; to be recovered, if under 5 l. before 2 Justices of the Peace, if above 5 l. in a Court of Record, with Costs. Justice, if required, to issue his Warrant to the Sheriff, or Constable, to go on Board any Ship suspected to have Bulk Tobacco on Board, and to search for, and seize the same; which being brought before a Justice, shall be immediately weighed, and burnt: Master, or Commanding Officer, resisting Sheriff, or Constable, forfeits 50 l. Sailor, or other Person resisting, as aforesaid, forfeits 10 l. S. 3.

No Person prohibited from carrying Tobacco to the Warehouses, in Bulk, for Payment of Levies, Debts, or other Duties. S. 4.

Two Warehouses in *Prince William*, appointed and confirmed; and One other Warehouse at *Pohick*, ordered to be built; One other Publick Warehouse, in *Henrico*, opposite to *Appamatow* Point, appointed, and added to the Inspection of that at *Appamatow*. S. 5.
H h h h 2

matox Point; and the Rent thereof to be settled by the Commissioners.

5 & 6
GEO. 2.
Cap. 9.
S. 6.

All Tobacco, which after 10 November, 1732, shall be brought to any public Warehouse, shall be viewed by 2 Inspectors, to be qualified and appointed for every Warehouse, in such Manner as by the Act 3 & 4 Geo. 2. Cap. 3. is directed; except the Warehouses hereafter mentioned, which shall be under one Inspection, and attended by 2 Inspectors only, *viz.* the Warehouse at *Appamatox* Point, and the Warehouse in *Henrico*, opposite to it. The Warehouses at *Roy's*, in *Caroline*, and *Gibson's*, in *King George*. At *Corotoman*, and the Widow *Davis's*, in *Lancaster*. At the *Capitol* and *College Landings*, in *Williamsburg*. If the 2 Inspectors shall disagree in their Judgments, concerning the Quality of any Tobacco, they shall call another Inspector from the next adjacent Warehouse, who shall pass or reject such Tobacco. Inspector bringing his own Tobacco to a Warehouse, where he is Inspector, the same must be passed by the other Inspector there attending, and one or both of the Inspectors from the next Warehouse.

S. 7. Inspectors Notes, current without sealing or stamping. Hogheads paid away by them, in discharging Notes, to contain 800 lb. Tobacco.

S. 8. For all Tobacco paid in Discharge of Quit Rents, Secretary's, Clerks, Surveyors, Sheriffs, or other Officers Fees, Allowances to be deducted out of every 100 lb. charged upon the Persons paying. All Tobacco paid for Levies, the Payer shall be allowed the same that is levied upon every Tithable in his County, for Convenience.

S. 9. Penalty given by the Act 3 & 4 Geo. 2. Cap. 3, Sect. 40. repealed.

S. 10. Several Salaries to each Inspector settled.

Commissioners required to cause Prizes, Cranes, and Conveniences, to be erected and fixed, and to cause Warehouses to be made tight; and if the same has been done at the Charge of the Inspectors, to be deducted out of the Rents, if the Commissioners think fit; and if present Rents not sufficient, to increase them, if they think fit.

5 & 6
GEO. 2.
Cap. 9.
S. 12.

The Duty of Inspectors in several Particulars, declared and explained. Inspectors Notes being lost, or destroyed, the Person entitled to receive Tobacco, to make Oath before a Justice, who is to grant a Certificate thereof; upon which Certificate, the Inspectors are to pay the Tobacco. Person convicted of making a false Oath, or producing a false Certificate, forfeits 20 s. for every 100 lb. Tobacco contained in such Certificate; to be recovered, with Costs, in a Court of Record, one Half to the King, the other to the Informer; and shall suffer such corporal Punishment as the Court shall think fit; and subject to the Penalties of Perjury in a Court of Record.

Four lb. Tobacco for every 100 lb. Tobacco brought in good sound Cask, of the lawful Gauge, to be allowed by the Inspector; so as the same do not exceed 30 lb. Tobacco for each Hoghead.

Tobacco designed to be put on Board one Ship, and not taken in, may be shipped on Board any other Ship, the Masters of such Ships endorsing on the List, to be delivered to the Naval Officer, the Marks and Numbers of the respective Hogheads by them taken on Board; and giving Notice to the Inspectors of the respective Warehouses from whence the same was brought. If there be no Ship to receive the Tobacco, then the Master of that Ship, or Vessel, may put the Tobacco into the next Public Warehouse where such Ship, or Vessel, shall ride; giving immediate

S. 15.

diate Notice to the Inspectors who stamped the same: And the Inspectors at the Warehouse where such Tobacco shall be delivered, shall give a Receipt for the same, and keep it safe 'til delivered to the Owner, to be shipped off, without Fee or Reward.

- 5 & 6
GEO. 2.
Cap. 9.
S. 16. Inspectors of Warehouses burnt, not to be sued for any Notes by them given, for any Tobacco burnt in the Warehouses.
- S. 17. Inspectors who are allow'd for burnt Tobacco in the Book of Claims of this Session, to pay the same, in Proportion, to those who sustained the Loss.

TRANSPORTATION.

Departure out of the Colony. Removal. Passes.

- 13 CAR. 2.
Cap. 62.
S. 1. Persons removing into the Bay. No Person to remove out of his County, without giving public Notice.
- S. 2. If any Person in Debt remove himself, he may be taken up by Warrant from the Secretary's Office, and brought before the Governor, or a Councillor; and obliged to give Security, if the Day of Paiment be not past.
- S. 3. No Cattle to be removed without Notice.
- S. 4. Any Person removing a Debtor, liable to pay his Debts.
- 4 ANNÆ.
Cap. 12. An Act to prevent the clandestine Transporting or carrying of Persons in Debt, Servants, and Slaves, out of this Colony.
- S. 1. Masters of Ships shall not carry any Person out of this Colony, without a Pass, on Penalty of paying all such Person's Debts: Nor any Servant, or Slave, on Penalty of 50 l. for a Servant, and 100 l. for a Slave.
- S. 4. Offenders against this Act may be sued at any Time; and shall not be admitted to plead any Act of Limitation.
- S. 5. Persons requiring a Pass, shall give Bond and Security, in the Se-

cretary's Office, in 2000 l. Sterl. or shall produce a Certificate from a County Court Clerk, &c. Form of the Certificate. Clerk 4 ANNÆ.
Cap. 12.
S. 6. shall not issue such Certificate until 10 Days after public Notice set up at the Court-house, of such Persons intending to depart the Colony.

Notwithstanding such Certificate, any Person may enter a Caveat, giving Bond and Security in 500 l. and a Pass shall not issue, unless the Party stopped, give Bond and Security to the Secretary, in double the Sum claimed by the Person entering the Caveat. Securities shall be discharged, if no Prosecution within 2 Years. S. 7. S. 8.

Secretary shall appoint Deputies for granting Passes, on Penalty of 50 l. Refusing a Pass to any Person requiring, unless Caveat entered, forfeits 500 l. S. 10, 11.

County Court Clerks shall register all Certificates by them issued. S. 13.

Secretary's Deputies shall, Annually, certify all Passes by them granted, to be registred in the Office.

Secretary shall cause to be registred Passes granted by himself. Penalty on Failure, 5 l. to the Crown, and Informer.

Defendant concealing himself, or removing out of the Country, or County, shall not be admitted to plead any Act of Limitation. See Actions. Cap. 35.
S. 6.

Indians passing the Limits, prescribed by this Act, *For enforcing and rendering more effectual the Treaties already made, or hereafter to be made, with Foreign Indians, punishable by Death, or Transportation, &c.* 8 GEO. 1.
Cap. 3.

Persons transporting Liquors from one District to another, within this Colony, shall make Oath before the Collector, and take a Certificate, on Penalty of forfeiting the Value of such Liquors. 12 GEO. 1.
Cap. 1.
S. 22.

Masters of Ships shall make Oath, at Clearing out, not to transport any Person without a Pass. Cap. 4.
S. 18.

Taking

12 GEO. 1. Taking the Oath, shall not discharge
Cap. 4. the Master from any Penalties to
S. 19. which he is liable, by the Act
4 Anna, Cap. 12.

TREASON.

36 CAR. 2. An Act for the better Preservation
Cap. 2. of the Peace of Virginia, and
preventing unlawful and treason-
able Associations.

S. 2. After 1 June, 1684, any Persons,
to the Number of 8, or more,
assembled together, forcibly to
destroy Tobacco, or Plants, and
who shall not disperse, within 4
Hours after Proclamation made,
every such Person guilty of High-
Treason.

S. 3. Prosecution to be commenced with-
in 12 Months.

1 GEO. 1. Persons who shall coin, counterfeit,
Cap. 1. falsify, or debase, any of the Cur-
S. 5. rent Coins of this Dominion, or
be aiding, &c. guilty of High-
Treason.

TRESPASS.

Fences. Inclosures.

4 ANNAE. An Act for Prevention of Trespases
Cap. 15. by unruly Horses, Cattle, Hogs,
Sheep, and Goats; and by taking
away Boats and Canoes.

S. 1. Lawful Fences shall be Four Foot
and a Half high; or else a Fence
of Two Foot and a Half, or a
Hedge of Two Foot high, upon
a Ditch Three Foot deep, and
Three Foot broad, and close, so
that Hogs, &c. cannot creep
through. Owners of Horses, &c.
breaking such Inclosures, shall,
for the First Trespas, pay the
Value of the Damage; and for
every Trespas thereafter, double
S. 2. Damages and Costs: On a Third
Offence, the Party injured may
sue for Damages, or destroy the
Beasts.

S. 3. Justice of Peace, upon Complaint
to him made, may order Three
House-keepers to view the Fence,
where the Trespas is committed;
and their Depositions shall be
good Evidence.

Persons damnified, for want of a 4 ANNAE.
lawful Fence, shall not hurt the Cap. 15.
Beasts, on Penalty of double Da- S. 4.
mages and Costs, to the Owner;
recoverable, if under 20 s. before
2 Justices, *Quorum unus*.

Owners of Horses, &c. known to S. 5, &c.
have barked Fruit Trees, shall
keep such within their own fenced
Grounds, on Penalty of paying
100 lb. Tobacco to the Taker-up,
for every such Beast found at
large; recoverable before a Jus-
tice of Peace: But Taker-up
shall make Oath.

Persons taking, without Leave, any S. 8.
Boat or Canoe, forfeit 500 lb.
Tobacco to the Owner, besides
Damages and Charges. If the
Offender be a Servant, the For-
feiture shall be paid by Service.
If several Offenders in one Tref-
pass, each Person liable for the
whole Fine.

USURY.

None, by Contract, or Loan, di- 3 & 4
rectly or indirectly, for Money, GEO. 2.
or Merchandize, to take more Cap. 12.
than 6 l. per Cent. for a Year. S. 2.
All Assurances *contra* void; and
double Value forfeited.

Broaker, Solicitor, Driver of Bar- S. 3.
gains, or Contracts, taking above
5 s. for procuring the Loan, or
Forbearance, of 100 l. for a Year;
or above 1 s. for making or re-
newing the Bond, or Bill, for
such Loan, or Forbearance, or
for any Counterbond concerning
the same, shall forfeit 20 l. One
Half to the King, One Half to
the Informer.

VAGABONDS.

Vagrants. Rogues. Beggars.

An Act for suppressing Vagabonds; 24 CAR. 2.
and disposing of poor Children to Cap. 7.
Trades.

Justices of Peace to put in Execu- S. 2.
tion the Laws of England against
Vagrants.

Vagrants. County Courts to bind out poor Children to Trades. Churchwardens Annually to give Account to the County Court, of all poor Children in their Parish.

1 GRO. 2.
Cap. 7.
S. 3.

All able bodied Persons not having wherewithal to maintain themselves, and found loitering, and neglecting to labour for usual Wages; all Persons running from their Habitations, and leaving Wives or Children, without Means of Subsistence, so as to become chargeable to the Parish; and all idle, vagrant, or dissolute Persons, found wandering, or begging, shall be deemed Rogues and Vagabonds.

S. 4.

Any Justice of Peace may issue his Warrant for apprehending a Vagabond; and, after Examination, shall order such Vagabond to be convey'd from Constable to Constable, 'til delivered to some Justice of Peace of that Parish where the Vagabond last resided, or where his Wife, or Children, inhabit, to be before such Justice bound to the Good Behaviour, &c. with good Security; or, on Refusal, to be committed to Goal, until the next Court; and if no Security be then offered, such Vagabond shall be bound to Service one Year, or receive 25 Lashes, and be discharged: If none will receive him into Service, 30 Lashes: Wages arising by the Hire, after Payment of all Charges of Prosecution, shall be applied for Support of such Servant's Family; and if none such, paid to the Person bound, after Expiration of Service.

VESTRIES.

Vestrymen. Churchwardens.

13 CAR. 2.
Cap. 2.

Vestries appointed.

S. 1. Duty of Vestries.

S. 2. Twelve Men in each Parish to be chosen a Vestry.

Minister and Vestry to elect Two Churchwardens, Yearly; and to fill up Vacancies.

13 CAR. 2.
Cap. 2.
S. 3.
Cap. 15.

Vestrymen shall be sworn.

Churchwardens, their Power and Duty.

Churchwardens to give Account, Annually, to the Courts, of all poor Children in their Parish. See Vagabonds.

24 CAR. 2.
Cap. 7.
S. 2.

Fines arising by this Act, *For the more effectual Suppression of Vice, &c.* shall be paid to the Churchwardens of that Parish where the Offence is committed, by them to be accounted for to the Vestry; who shall, Annually, on *Easter Tuesday, &c.* at the Parish Church, distribute the Forfeitures among the Poor, &c.

4 ANN. 7.
Cap. 30.
S. 9.

Churchwardens shall provide a Copy of this Act, at the Charge of the Parish.

S. 10.

Churchwardens may seize and sell Horses, Cattle, or Hogs, belonging to a Slave, &c. to the Use of the Poor.

Cap. 49.
S. 35.

This Act, *Concerning Servants and Slaves*, shall be entred in the Register Books of each Parish, and read in Churches, &c. by the Clerk, or Reader, the first *Sundays in September and March*, Annually, on Penalty of 600 lb. for every Neglect.

S. 40.

The Churchwardens of every Parish shall provide a Copy of this Act, *To prevent the destroying and murdering of Bastard Children*, at the Charge of the Parish, on Penalty of 500 lb. Tob.

9 ANN. 7.
Cap. 12.
S. 3.

Duty of Vestries, Churchwardens, &c. in executing Orders of the County Court, for processioning Lands, &c. Penalties on Failure. See Land.

Cap. 13.
S. 31, &c.

Churchwardens shall provide a Copy of this Act, *For registering Births, Christnings, and Burials*, at the Charge of the Parish, on Penalty of 500 lb. Tobacco.

12 ANN. 7.
Cap. 4.
S. 6.

If any Slave shave shall be set free, without Licence from the Governor and Council, the Churchwardens of the Parish, wherein such Slave shall reside, 1 Month after

9 GRO. 1.
Cap. 4.
S. 17.

after being freed, may take up, and sell such Slave, by public Auction, at the next Court; and the Monies arising by such Sale, shall be to the Use of the Parish.

9 GEO. 1. The Churchwardens of every Parish shall provide a Copy of this Act, *Directing the Trial of Slaves committing Capital Crimes, &c.* at the Parish Charge; and cause it to be entred in the Register Book, and read at the Church Door, in *April* and *October*, Yearly, on Penalty of 500 *lb.* Tobacco, to the Informer. Minister, or Reader, failing, forfeits 200 *lb.* Tobacco.

1 GEO. 2. Vestries shall lay the Parish Levy, before *October* 15, Annually; of which Notice shall be given by the Minister, or Reader, at each Church or Chapel in the Parish. S. 3.

S. 4. Shall levy 10 *per Cent.* for Conveniency: But in remote Parishes may raise so much more as is necessary to make their Tobacco convenient.

S. 5. For the Ministers Salary, and all other Tobacco payable with Cask, the Allowance of 8 *per Cent.* shall be levied; and the Collectors shall make the same Allowance to Persons paying their Levies in Cask.

S. 7. Vestries shall appoint Collectors of their Parish Levies, who shall give Bond and Security, and shall have the Allowance levied in their respective Parish, for Conveniency; and may distrain the Goods of Persons refusing to pay their Levies.

S. 8. Collectors shall pay the Minister, and all other Parish Creditors, before 31 *March*, Annually; and where the Tobacco is payable with Cask, in Hogsheads containing 700 *lb.* nett Tobacco, at least.

S. 9. If the Vestry refuses to levy, or the Collector fails to pay, Tobacco due to the Minister, or other Parish Creditors, pursuant to this Act, all the Vestrymen, and the Collector of such Parish, shall be

liable to the Action of the Party grieved, for Damages.

Where good Glebes are not already purchased, and appropriated, the Vestry may purchase 200 Acres of Land, for the Use of the Minister of such Parish, and his Successors; and where convenient Houses are not already built, may erect one Mansion, and other necessary Out-houses; and levy the Charge of such Glebe, and Buildings, on the Parish. 1 GEO. 2. Cap. 6. S. 10.

If any Minister shall not keep, and leave, all the Buildings on his Glebe, in tenantable Repair, (Accidents by Fire and Tempests excepted) such Minister, and his Executors, &c. liable to the Action of the Churchwardens, for Damages. The Damages recovered shall be laid out in Repairs: The Vestry of any vacant Parish may put all the Tenements in good Repair; and may levy 16000 *lb.* Tobacco, with Cask and Conveniency, towards satisfying some other Minister, for officiating in such Parish, during the Vacancy. S. 12. S. 14.

On Complaint made by the Churchwardens, any Justice of Peace may remove poor Persons to their own Parishes. See Parishes. Cap. 7. S. 7.

Masters of Ships, who shall turn on Shore sick, or disabled Sailors, without Means of Subsistence, &c. forfeit 10 *l.* recoverable by the Churchwardens of any Parish, where such Sailors become chargeable, for the Use of the Poor; and further liable for all Charges of Maintenance and Cure. S. 9.

Churchwardens may bind out to Service, any Children, whose Parents are incapable, or neglect their Instruction.

Every lewd Woman delivered of a Bastard, shall pay to the Churchwardens, of the Parish wherein she shall be delivered, 50 *s.* or 500 *lb.* Tobacco, and Cask; to be accounted for by the Churchwardens, to the Use of the Parish: On Failure of Paiment, or Security, 25 Lashes. S. 13. The

1 GEO. 2. The Person, in whose House such
Cap. 7. Child shall be born, shall give
S. 14. Notice to the Churchwardens,
and secure the Woman, or shall
be liable to the like Penalties.

3 & 4 Churchwardens to make Present-
GEO. 2. ment of Vice, &c. See Reli-
Cap. 2. gion.
S. 2.

VOID and VOIDABLE.

4 ANNÆ. No Person under the Age of 21
Cap. 2. Years, nor any Person who is not,
S. 12. at the Time of Election, a Free-
holder in the same County, shall
be capable of being elected to
serve in the General Assembly;
but every such Election illegal
and void.

Cap. 3. Process executed on a Sunday, or
S. 6. at a Muster of Militia, or an E-
lection of Burgesses, shall be void.

S. 8, 9. Sheriff shall take the Obligations
of Persons in his Custody, pay-
able to himself, as Sheriff, and
dischargeable by Appearance, &c.
otherwise the Obligation void.
See Bail.

Cap. 19. Process served on Witnesses at the
S. 31. General Court, during their At-
tendance, coming to, or returning
from Court, void. See Evidence.

Cap. 49. All Contracts made with Servants,
S. 12. except approved by the County
Court, shall be void.

9 ANNÆ. Process issued and returnable other-
Cap. 11. wise than directed by this Act,
S. 13. For establishing County Courts,
&c. void.

1 GEO. 2. After 15 April, 1728, all Process
Cap. 3. in the General Court, returnable
S. 2. on the First or Seventeenth Day
of every General Court. Process
issued, returnable on any other
Days, or Times, void.

Cap. 8. After 1 April, 1728, all Promises,
S. 1, 2. &c. Notes, &c. Mortgages, &c.
where all or Part of the Consi-
deration, is for Money won at
Gaming, or Betting, or for Re-
payment of Money lent at Ga-
ming, &c. shall be void: And
all Conveyances to hinder Lands
from devolving, &c. void. See
Gaming.

WAYS.
Highways. Roads. Causeys. Brid-
ges. Surveyors of Highways.

An Act for Making, Clearing, and 4 ANNÆ.
Repairing the Highways; and for Cap. 39.
Clearing the Rivers and Creeks.

Public Roads shall be laid out, 30 S. 2.

Foot broad, well clear'd and grub-
bed, to and from the City of Wil-
liamsburg, all County Court-hou-
ses, Churches, Mills, and Ferries.
Persons felling Trees, and not remo-
ving the same in 48 Hours, or
making Fences in any Road, for-
feit 10 s. to the Informer; reco-
verable before a Justice of Peace.

County Courts may order the Alte- S. 3.
ration of old, or making new
Roads.

All Male Tithables shall attend the S. 4.
Surveyor, in Clearing the High-
ways, on Penalty of 5 s. per Tith-
able failing, except reasonable
Cause of Failure be shewn.

Every Surveyor of the Highways S. 6, 7.
failing in his Duty, forfeits 15 s.
and Costs; recoverable before a
Justice. Shall make, and keep in
Repair, Bridges 10 Foot broad;
but where the Surveyor cannot
make a Bridge, the County Court
shall cause it to be erected, and
kept, at the County Charge:
Where a Bridge joins 2 Counties,
both shall contribute towards the
Building. Every House-keeper
shall clear and keep a Passage to
his Mansion, on Penalty of 10 s.
to the Informer.

All Places having Rolling-Houses, S. 9.
shall have Cart-Roads.

County Courts shall, Annually, ap- S. 10. &c.
point Surveyors of Highways, and
Persons to clear Rivers and Creeks,
on Penalty of 2000 lb. Tobacco.
See Rivers.

County Courts shall order Roads, 1 GEO. 2.
Causeys, and Bridges, from every Cap. 12.
Iron-Work in their County, to the S. 2.
nearest convenient Landing, to
be made, repaired, &c. as the o-
ther Public Roads of this Colony:
And also, private Roads for carry-
ing

ing Wood, &c. so as not to pass thro' inclosed or tenced Grounds; and to be made by the Owners of such Work.

- 1 GEO. 2. All Persons employed in Iron-Works
Cap. 12. exempted from the Duties of
S. 3. Clearing, Repairing, &c. any
Roads, except those made for the
Use of such Work, and of Clear-
ing Rivers and Creeks.

WEIGHTS and MEASURES.

- 13 CAP. 2. *English* Weights and Measures.
Cap. 63. Buying and selling by other Weights
S. 2. and Measures, than the *English*
Standard, prohibited.
S. 3. Standard Weights and Measures
shall be provided in every Coun-
ty, and kept at the House of the
first Justice in Commission, toge-
ther with a Burning Mark and
Stamp; and all Persons shall
bring their Weights, Measures,
and Stilliards, to be tried and
seal'd; on Penalty of 1000 lb.
Tobacco.
4 ANNÆ. Retailers of Liquors shall sell by
Cap. 40. seal'd Measures; and Ordinary
Keepers shall provide Gallon, Pot-
tle, Quart, Pint, and Half Pint
Measures, on Penalty of 10 s.
Cap. 41. Owners of Mills shall keep seal'd
S. 10. Bushel, Half Bushel, and Peck
Measures, and a Toll Dish seal'd,
on Penalty of 15 s.

LAST WILLS and TESTAMENTS.

Probats. Executors. Administrators cum Testamento annexo. Trustees. Devisees. Legatees. Administration, and Administrators.

- 4 ANNÆ. Persons dying Testate, and leaving
Cap. 33. only Two Children, shall not be-
S. 4. queath less than one Third of their
Estate to the Wife: If above 2
Children, a Child's Part: If no
Child, she shall have a Moiety.
Wills otherwise made, shall, upon
Petition of the Wife, as to her
Part of the Estate, be set aside.
S. 5. Executors of a Wife dying before
Distribution, shall only recover
what is given her by Will.

Estates of Executors or Administra- 4 ANNÆ.
tors, liable for their Testators, or Cap. 33.
Intestate's Estate, before any other S. 13.
Debt.

An Act directing the Manner of 10 ANNÆ.
granting Probats of Wills, and Ad- Cap. 2.
ministration of Intestates Estates.

County Courts have Jurisdiction in S. 1.
all Matters Testamentary, may
take Proof of Wills, and grant
Certificate to the Governor, for
Probat, or Administration *cum Tes-*
tamento annexo, and may deter-
mine the Right of Administration
of the Estate of Persons dying In-
testate. Method of proving Wills.
If the Executors refuse, the Court
may grant Administration *cum Tes-*
tamento annexo. Method of prov-
ing Wills where Lands are devis'd.

Infant, Feme Covert, *Non Compos*, S. 2.
Person imprisoned, or out of the
Country, may contest the Probat
within 10 Years after Incapacities
removed.

Administration shall be granted by S. 3.
the Court of that County wherein
the Intestate had a Mansion-house
or Place of Abode. If an Executor
or Administrator dies Intestate, not
having fully administred, the same
Court that granted Probat or Ad-
ministration, to such Executor or
Administrator, may commit Ad-
ministration of the Goods not ad-
ministred.

Probat of Wills, or Commissions of S. 4.
Administration, shall enable Ex-
ecutors or Administrators to sue
for, and recover all the Estate.

Administration shall be granted to S. 5.
the next of Kin. If no Will is ex- S. 6.
hibited, or Administration claim-
ed, at the next Court held after
the Expiration of 30 Days, from
any Person's Death, the Court may
grant Administration, to whom
they think fit: But if a Will is S. 7.
afterwards produced, and proved,
or any of the Intestate's Kindred
(not having before refused) pray
Administration, such former Com-
mission shall be revoked.

Persons having in their Custody the S. 8.
Will of any Deceased, may be
summoned,

- summoned, and compelled, by the Court, to produce such Will.
- 10 ANNA. Cap. 2. S. 9. Probats of Wills, and Commissions of Administration, shall be signed by the Governor, or Persons by him authorized; and shall enable Executors and Administrators to possess themselves of the Estate of their Testator, or Intestate.
- S. 10. Executors and Administrators, before Probat, or Administration granted, shall be sworn. The
- S. 12. Oaths. Shall give Bond (where requirable) with sufficient Sureties. Conditions of the Bonds.
- S. 13. The Obligations shall be payable to the Justices of the Court, and their Successors, and shall not become void upon the first Recovery; but may be prosecuted, until the Estate be fully administered, or Judgment obtained for the Penalty.
- S. 14. Executors, ruled by the Court, to give Security, refusing so to do in 2 Months, Administration with the Will annexed, shall be granted to the next of Kin.
- S. 15. Estates shall be inventoried and appraised, and a true and perfect Inventory return'd to the next Court, by the Executor or Administrator, upon Oath. The Court to appoint
- S. 16. 3 Appraisers, who shall be sworn; shall be paid 30 lb. Tobacco per Day, each.
- S. 17. Where any Person dies, whilst his Crop is on the Ground unfinish'd, the Servants and Slaves employed in the Crop, shall remain on the Plantation 'til 25 December, and then the Slaves shall be delivered to the Heir. If a Slave dies before
- S. 18. 25 December, the Executor or Administrator shall not be answerable.
- S. 19. Where a Testator directs, that his Estate shall not be appraised, and leaves more than sufficient to pay Debts, the returning an Inventory only shall be sufficient.
- S. 20. Husband, Wife, Child, or Children, being appointed Devisees and Executors, Residuary Legatees and Executors, Executor in Trust,

Duranti minori Aetate of the Testator's Children, &c. and Persons appointed Executors, where the Testator directs that no Security shall be demanded, not compellable by this Act, to give Security.

This Act shall not abridge the Power of Executors, before Probat, or Administration granted. 10 ANNA. Cap. 2. S. 21.

Wills shall remain among the Records of the Court where they are proved. S. 22.

The General Court may grant Probat, or Administration, where the Value of the Estate, Real and Personal, amounts to 50 l. Sterl. or upwards, in divers Counties. Such Probat, shall issue under the Seal of the Colony, signed by the Governor, or President, If the General Court grants Administration, without taking sufficient Security, every Judge granting, shall be liable for Damages. S. 23.

Where Judgment shall be recovered against Executors, &c. for Debts, contracted by the Testator, &c. for any Commodity, in Specie, the Court, upon Motion, and Oath of the Executor, &c. shall value the Commodity, in Money, and give Judgment according to such Valuation. S. 24.

County Court Clerks shall return Accounts of Certificates, for Probats, &c. See Courts. S. 25.

Any Infant, above the Age of 18 Years, may bequeath Slaves, by Will, in Writing. 1 GEO. 2. Cap. 11. S. 5.

How Slaves, and all Remainders of Slaves, may be annexed to Lands and Tenements, and limited by Will. See Servants and Slaves. Executors, Administrators, and Orphans Account. S. 12, &c.

General Court, or County Court, granting a Certificate for obtaining a Probat for Letters of Administration, to appoint Appraisers, to value the Deceased's Estate, upon Oath, who shall return the Appraisement as heretofore; and such Appraisement to be given in Evidence, to prove the Value

lue in any Suit brought against the Executor or Administrator; but such Value not to be binding on either Plaintiff or Defendant, where it shall appear, by legal Proof, that the Goods or Chattels were worth or sold for more or less than the Appraisement.

3 & 4
Geo. 2.
Cap. 8.
S. 5.

After Debts paid, all perishable Goods, specific Legacies excepted, shall be sold by Auction, for Money, and the Executor, &c. may sell on Credit, upon good Security, having Regard to the Circumstances of the Estate, and the Time of paying the Legacies, or making Distribution; and shall be answerable for no more than the Value of such Sale.

Executor selling Goods as aforesaid, to take Bond of the Buyer, with Surety, for Payment of the Money; and such Executor, after Time of Payment is past, shall take all lawful Ways for Recovery of the Money, upon Pain of being answerable for the same; and if not received before Legatees, or Persons entitled to Distribution, have a Right to demand it, Executor to assign such Bond or Security to Legatee, or other Person; and such Assignment to discharge him for so much.

s. 6. Obligor becoming insolvent after such Assignment, so as the Money be lost, such Loss to be made good to the Assignee, out of the Estate of the Deceased.

s. 7. Testator directing his Goods not to be appraised, or to be preserved in Specie, or not sold, excepted out of this Act.

s. 8. Intestate leaving sufficient to pay his Debts, besides Slaves and neat Cattle, his Heir being under Age, Cattle shall be kept on his Lands 'till Heir come of Age; and he to have the Benefit of Increase, and bear all Loss.

s. 9. If Stock grow too numerous, or it be for the Advantage of the Orphan, Administrator or Guardian may sell such Part as he thinks fit. Heir to pay to other Children, or Persons entitled to Dis-

tribution, their proportionable Parts of the Value of the Stock left at the Death of the Intestate.

Explanation of the Act of 10 *Annæ*.
Cap. 2.

3 & 4
Geo. 2.
Cap. 8.
S. 10, 11.

Servants and Slaves of Persons dying between 1 *March*, and 25 *December*, shall be continued on the several Plantations of the Deceased, until the 25th of *December* in that Year, for finishing the Crop; such Crop to be Assets, deducting the Charges of cloathing and feeding such Servants and Slaves, Expence of Tools and Utensils for their Work, Quit-Rents of the Land, and other incident Charges.

Executors and Administrators of Executors in their own Wrong, and the Executor and Administrator of the Executor or Administrator of Right, who shall waste the Estate of his Testator or Intestate, made liable, as his Testator or Intestate should or might have been.

S. 13.

Action of Account may be maintained against Executors, Administrators, and Guardian, Bailiff and Receiver, and by one Joint-Tenant, or Tenant in Common, his Executors and Administrators, against the other, as Bailiff, for receiving more than his Share, and against the Executor or Administrator of Joint-Tenant, or Tenant in Common. See Action.

S. 14.

Father, of Age, or under, may dispose of the Custody of his Children, under 21, or not married, by Deed executed in his Life-time, or by Last Will in Writing, during the Nonage of such Child, or any lesser Time, as he shall think fit, to any Person in Possession or Remainder, other than Popish Recusants; and such Disposition made, or hereafter to be made, shall be good against all Persons claiming the Custody of such Child; and such Guardian so appointed, may maintain an Action of Ravishment of Ward or Trespass, for the wrongful taking, or detaining such Child or Children, and

S. 15.

and may recover Damages for the Benefit of his Ward.

3 & 4
GEO. 2.
Cap. 8.
S. 16.

And the Guardian so appointed, may take into his Possession the Profits of Lands, Management of Slaves, and Personal Estate of the Ward, according to the Disposition of the Father, for the Use of such Child; and may bring Actions as a Guardian in common Soccage might do.

S. 17. This Act shall not extend to discharge any Apprentice, nor to take away the Power of the General or County Court, to make Rules, Orders, and Decrees, for securing the Estate, and better Education and Usage of Orphans.

S. 19. Guardians appointed by the General Court, or County Court, shall, at the next Court after such Appointment, exhibit, upon Oath, an Account of the Orphan's Estate received into his Hands, or to which the Orphan shall have a Right; and the Courts shall, Yearly, compel all Guardians by them appointed, to account for the Profits of the Orphans Estate, upon Oath; the Clerk of the Court to enter such Accounts in a Book to be kept for that Purpose only. Courts, upon Information of Guardians, by them appointed, wasting or mismanaging Orphans Estate, not taking due Care of their Maintenance or Education, or likely to become insolvent, have Power to make such Orders and Rules, as they shall think fit.

S. 20. Guardians may charge in their Accounts, all reasonable Disbursements and Expences; and if Disbursements exceed the Profits of the Orphan's Estate, shall have Allowance of so much out of the Principal Estate: Provided such Disbursements be suitable to the Degree and Circumstances of the Orphan's Estate.

S. 21. Executors and Administrators shall be allowed all reasonable and necessary Charges, and Disbursements, laid out and expended, for selling any Estate, and receiving the Money; and for collecting outstanding Debts; and no other Allowance whatsoever.

WILLIAMSBURG.

Ports. Towns. Court of Hustings.

Sheriff, and his Officers, attending the General Court, may execute Summons, &c. and Constables of *Bruton* Parish may execute their Office, in all Parts of *Williamsburg*, and Half a Mile round the City. 4 ANN. ap. 20.

Keepers of Ordinaries in *Williamsburg*, not restrained by this Act, *For regulating Ordinaries*, &c. from giving Credit, during the Sessions of General Courts, and Assemblies. Cap. 40.

An Act continuing the Act, *Directing the building of the Capitol, and the City of Williamsburg*; with Additions. Cap. 43.

Four Hundred Seventy Five Feet square appropriated for a Building, named, *The Capitol*. 100 Feet round the same not to be built upon, or occupied. The Form, and Dimensions of the Building. One Part appropriated to the Use of the General Court, and Council; the other to the Use of the House of Burgesses. S. 2, 3.

A Committee appointed to inspect the Building, contract with Undertakers, and send for Materials from *England*: May receive of the Treasurer, 2000 *l. Sterling*; and shall account to the next Session of Assembly. S. 4, 5.

The Necessity of a Town, near the *Capitol*; and its Conveniency to the College of *William and Mary*. S. 6.

Two Hundred Eighty Three Acres of Land appropriated for a City: 220 Acres set apart for Buildings: The City to be called *Williamsburg*. Roads and Ports belonging to the City. The 220 Acres to be laid out in Lots, of Half an Acre each; to be built upon by the Purchasers. Directions for the Streets and Buildings. S. 7, 8, & 9.

The Governor to issue Warrants to the Sheriffs of *James-City, York*, and *New-Kent* Counties, to impanel a Jury of 12 Frecholders, who S. 11, &c.

who shall value the Lands, and return such Valuation to the Secretary's Office; and thereupon the Lands vested in Trustees, in this Act named; who shall enter, and stand seised of an Estate in Fee, in Trust for the Uses expressed in this Act. Trustees may sell and convey the Lands, in Fee: Purchasers shall build, &c. on each Lot: On Default of building, &c. the Lots, &c. shall be re-invested in the Trustees, and may be purchased by any other Person. The Proprietors of the Lands shall be paid by the Public, at the next Session of Assembly, according to the Valuation of the Jury. Trustees to account to the Assembly. Monies arising by the Sales, appropriated for reimbursing the Public. On the Death, &c. of any Trustee, Governor to appoint Successors. Lots at the Ports, &c. 60 Feet square, and Common Landing reserved for each Port.

4 ANNÆ.
Cap. 43.
S. 19.

The Governor may, by Letters Patents, incorporate the Inhabitants, to be One Body Politic and Corporate, of The Maior, Aldermen, and Commonalty of the City of *Williamsburg*. The Corporation, and their Successors, capable in Law, to purchase Lands and Tenements; and to sell, convey, &c. and to make By-Laws, &c.

S. 21.
32. Directors appointed, for putting this Act in Execution. Vacancies to be supplied by the Election of the rest.

S. 23, &c. Further Provision about Sale of Lots, Buildings, Streets, &c.

S. 22. Governor to grant to the City of *Williamsburg*, Letters Patents, for holding Markets and Fairs.

Cap. 44. An Act for confirming Titles to Town-Lands.

S. 2. Titles of Lands purchased for Ports, or Towns, pursuant to the Act for Ports, &c. and vested in Feoffees, or Trustees, &c. confirmed.

S. 3. Such Lands, not yet vested, &c. confirmed to Feoffees or Trustees hereafter to be appointed by the

respective County Courts, to the Uses limited by that Act. On 4 ANNÆ.
Death, &c. of any Feoffee, Cap. 44.
such Courts to appoint Successors. Purchasers of Lots confirm'd S. 4.
in their Titles. S. 5.

An Act for enlarging the Jurisdiction of the Court of *Hustings*, in 9 GEO. I.
the City of *Williamsburg*, within Cap. 10.
the Limits thereof.

Recital of a Charter, granted to the S. 1.
inhabitants of *Williamsburg*, July 28, 1722. The Maior, Recorder, and Aldermen, or any Four of them, of which, the said Maior, Recorder, or last preceding Maior shall be One, shall hold a Court of *Hustings*, once every Month, within the City of *Williamsburg*: Shall have Jurisdiction of all Actions, Personal and Mixt, arising within the said City, and not exceeding 20 l. Current Money, or 4000 lb. Tobacco: Shall have S. 2.
Power over Ordinaries and Public Houses, &c. May hear and determine Complaints of Masters, Servants, and Apprentices.

The Maior, Recorder, and Aldermen, or any Three of them, whereof the said Maior, Recorder, or last preceding Maior, shall be One, may take the Examinations of Criminals, triable in the General Court, or Courts of *Oyer* and *Terminer*; may commit Offenders to the public Goal; summon Witnesses, and bind them to Appearance, &c. S. 3.

No Inhabitant of *Williamsburg* S. 4.
shall be compellable to appear at any Muster of the Militia, without the City: But all Persons inhabiting therein, shall be listed, trained, &c. under their own Officers, commissioned by the Governor; and shall not be compelled to march out of the City, on any military Service, without express Order from the Governor, or, in his Absence, from the Maior, Recorder, and Aldermen, or the major Part of them. The said Maior, &c. may levy military

tary Fines against Defaulters.
This shall be a Public Act.

WOLVES.

7 GEO. 1. An Act giving a Reward for killing
Cap. 6. of Wolves; and repealing all other Acts relating thereto.

S. 2. Præmium of 200 lb. Tobacco for every Wolf killed or destroyed, by any Persons whatsoever, except Foreign Indians; to be paid by the County, and repaid by the Public. Persons claiming the Reward, shall produce the Heads before a Justice of Peace, prove the killing, and obtain Certificate, otherwise the Claim not to be allow'd.

5 & 6 GEO. 2. One Hundred Pounds of Tobacco for every Wolf killed, not exceeding the Age of Six Months, to be adjudged by the Justice. No Justice to give Certificate for the Reward, unless the whole Head be produced, and Oath made: If a Christian, above the Age of 14, in the Words directed by this Act; Quaker above 14, may make solemn Affirmation. Where Wolf-killer is a Christian, under the Age of 14, tributary Indian, Mulatto, or Negro, the Justice may admit of other Evidence.

S. 3. Persons taking false Oath, or Affirmation, shall suffer as for wilful and corrupt Perjury, and forfeit 2000 lb. Tobacco.

S. 4. Where a Justice shall suspect the Credit of the Party making Oath or Affirmation, he shall delay granting a Certificate, 'til the next County Court, who shall determine the same.

WRITS.

Summons. Warrants. Returns.

13 CAR. 2. If no Execution issue within a Year
Cap. 61. after Judgment, then a *Scire Facias*.
S. 2.

4 ANNÆ. Writs for Election of Burgeses, how
Cap. 2. to be issued, executed, and returned. See Assembly.

Cap. 3. Sheriff, or his Deputy, shall execute and return all Writs, &c.
S. 5.

to him directed, according to Law.

Returns of Writs shall be according to the Truth of the Case. 4 ANNÆ. Cap. 3. S. 10.

Non est inventus shall not be returned, unless a Copy of the Writ be left at the Defendant's Place of Abode. S. 11.

Writs against any Defendant, being an Inhabitant of another County, shall be returned, according to the Truth of the Case. See Sheriff. S. 12.

Writs of Partition, or Dower, may be prosecuted for Recovery of Slaves. Cap. 23. S. 9.
See Servants and Slaves.

Writs, Summons, &c. issued from, and returnable to, any County Court, shall be executed, at least, 3 Days before the Day of Return: If delivered to the Sheriff too late, he shall return the Truth of the Case. Writs issued within 3 Days of the next succeeding Court Day, shall be returnable to the following Court. Writs, &c. issued, and returnable in other Manner, void. But Warrants for apprehending Criminals may be executed, altho' there be not 3 Days between the Teste and Return. S. 14.

Writs of *Fieri facias*, *Elegit*, and *Capias ad satisfaciendum*, how to be issued, executed, and returned. The Forms of the several Writs, and their Returns. See Execution. 12 GEO. 1. Cap. 3.

If Goods remain in the Officer's Hands, unsold, for want of Buyers, he shall make Return accordingly; and thereupon, a *Venditioni exponas* shall issue. The Form of the Writ, &c. S. 19.

Writs of *Fieri facias*, or *Capias ad satisfaciendum*, upon Judgment obtain'd in any Court of Record, against any Person removing himself and his Effects, may be issued by the Clerk of such Court, directed to the Sheriff of any County in this Colony; who shall execute and return the same to the Court where Judgment was given. S. 21.

Warrants for retaking any Prisoner charged in Execution, and escaped, or going at large, shall be in Force in all Places within this Colony. S. 24.

Colony; The Officer retaking such Prisoner, shall deliver him, together with such Warrant, to the Sheriff of that County where retaken, and take his Receipts. The Sheriff shall receive such Prisoner, and make Return of the Warrant to the Court where the Judgment was given. Writs issued, pursuant to the Act 12 Geo. 1. Cap. 3. For Relief of poor Prisoners for Debt, &c. shall be obeyed, executed, and returned, by the Sheriff, Goal-keeper, &c. See Insolvent Debtors.

All Writs and Process in the General Court, shall bear Teste by the Governor, and be signed by the Clerk: How to be issued, executed, and returned. See Process. Where *Non est inventus* shall be returned, the Plaintiff may have an Attachment, or *Alias*, or *Pluries Capias*; and if a *Pluries Capias*, or *Capias ad satisfaciendum* is returned *Non est inventus*, the Plaintiff may sue out an *Exigent*, and Proclamation, to outlaw the Defendant.

1 Geo. 2. Cap. 3. S. 2.

S. 8, 9.

S. 11.



2.
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9.